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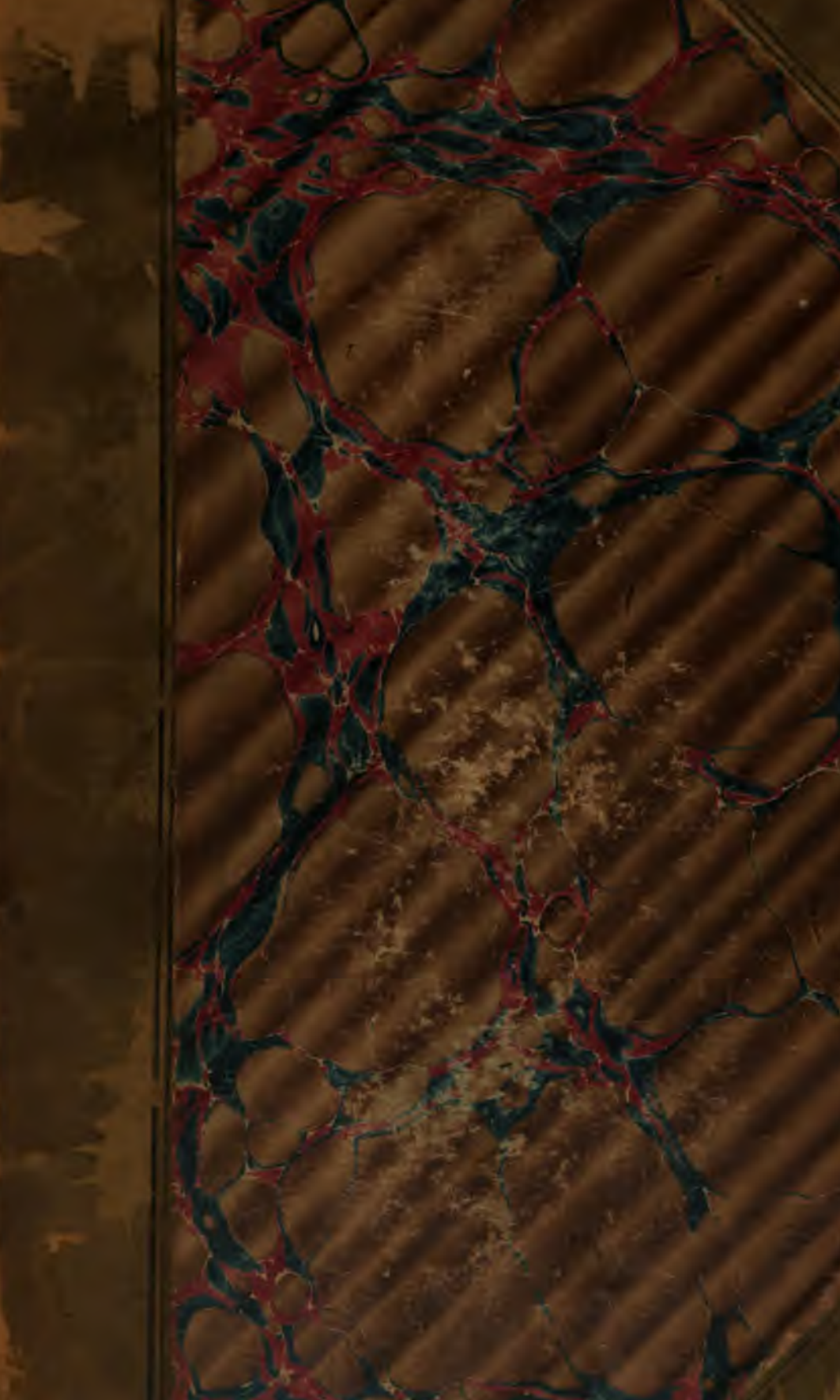
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O
COLLECTION
OF THE
PUBLIC GENERAL STATUTES
PASSED IN THE
THIRD AND FOURTH YEAR
OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,
1840.



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A

T A B L E

OF

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THIRD Session of the THIRTEENTH Parliament
of the United Kingdom of *Great Britain* and
Ireland.

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THE
PUBLIC GENERAL STATUTES,

3 VICTORIA.

CAP. I.

An Act for exhibiting a Bill in this present Parliament for naturalizing His Serene Highness Prince *Albert of Saxe Coburg and Gotha*. [24th January 1840.]

‘ WHEREAS it hath pleased Her Majesty most graciously to declare Her Intention to ally Herself in Marriage with the Prince *Albert of Saxe Coburg and Gotha*: And whereas a more grateful Proof of the Esteem and Affection of this Kingdom cannot be given to His Serene Highness than by an Act of Naturalization to make him capable of enjoying those Rights and Liberties which are enjoyed in this Realm: And whereas by an Act made in the Seventh Year of the Reign of King *James the First* every Person is required to receive the Sacrament of the Lord’s Supper within One Month before any Bill for Naturalization be exhibited, and also to take the Oaths of Supremacy and Allegiance in the Parliament House before his or her Bill be twice read: And whereas by an Act passed in the First Year of the Reign of King *George the First* it was enacted, that no Person shall be naturalized unless in the Bill exhibited for that Purpose a proper Clause or particular Words be inserted to declare that such Person shall not thereby be enabled to be of the Privy Council or a Member of either House of Parliament, or to take any Office or Place of Trust either Civil or Military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown, to himself or any Person in Trust for him, and that no Bill should thenceforth be received in either House of Parliament unless such Clause or Words be first inserted or contained therein: And whereas by an Act passed in the Sixth Year of the Reign of King *George the Fourth*, after reciting the said Act of the Seventh of King *James the First*, it was enacted, that from and after the passing of the Act it should not thenceforth be necessary for any Person who is to be naturalized to receive the Sacrament of the Lord’s Supper as directed by the said recited Act:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by

7 Jac. 1. c. 2.
1 G. 1. Stat. c. 4.
6 G. 4. c. 67.

[No. 1. Price 2d.] A 2 the

A Bill for Naturalization of Prince Albert may be exhibited without the Clause mentioned in the recited Act of 1 G. 1., &c.

the Authority of the same, That a Bill for the Naturalization of His Serene Highness the Prince *Albert* of *Saxe Coburg* and *Gotha*, without the Clause or particular Words directed by the said recited Act of the First Year of the Reign of King *George* the First to be inserted, and without His taking the Oaths by the first-recited Act required, shall and may be exhibited and brought into this Parliament, and twice read; the said recited Acts, or any other Law, Statute, Matter, or Thing whatsoever, to the contrary notwithstanding.

CAP. II.

An Act for the Naturalization of His Serene Highness Prince *Albert* of *Saxe Coburg* and *Gotha*.

[7th February 1840.]

‘ WHEREAS it hath pleased Her Majesty most graciously to declare Her Intention to ally Herself in Marriage with the Prince *Albert* of *Saxe Coburg* and *Gotha*: And whereas a more grateful Proof of the Esteem and Affection of the Kingdom cannot be given to His Serene Highness than by an Act of Naturalization to make Him capable of enjoying the Rights and Liberties which are enjoyed in this Realm: We Your Majesty’s most dutiful and loyal Subjects do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Prince *Albert* of *Saxe Coburg* and *Gotha*, when and so soon as He shall have taken the Oaths of Allegiance and Supremacy before the Lord High Chancellor, which Oaths the Lord High Chancellor is hereby authorized to administer, shall be to all Intents and Purposes whatsoever deemed, taken, and esteemed to be a natural-born Subject of this Kingdom, as if His Highness had been born within this Realm; any Law, Statute, Matter, or Thing to the contrary notwithstanding.

Prince Albert, after taking the Oaths of Allegiance and Supremacy, to be deemed a natural-born Subject.

Certificate thereof to be recorded in Chancery.

II. And be it enacted, That the Lord High Chancellor shall, immediately after such Oaths shall have been taken before him, certify the same, and cause such Certificate to be recorded in the High Court of Chancery.

CAP. III.

An Act for enabling Her Majesty to grant an Annuity to His Serene Highness Prince *Albert* of *Saxe Coburg* and *Gotha*.
[7th February 1840.]

‘ Most Gracious Sovereign,

‘ WE, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, having taken into Consideration that Part of Your Majesty’s

‘ Majesty’s most gracious Speech from the Throne, in which
 ‘ Your Majesty was pleased to announce Your Intention of
 ‘ allying Yourself in Marriage with His Serene Highness the
 ‘ Prince *Albert of Saxe Coburg and Gotha*, do most humbly
 ‘ and cheerfully beseech Your Majesty that it may be enacted;’
 and be it enacted by the Queen’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That it shall be lawful for
 the Queen’s most Excellent Majesty, in order to provide for
 the Establishment of His Serene Highness the Prince *Albert*
 of *Saxe Coburg and Gotha*, upon such Marriage, by any Letters
 Patent under the Great Seal of the United Kingdom, to give
 and grant to His said Serene Highness, or to such other
 Person or Persons as Her said Majesty shall think fit to be
 named in such Letters Patent, and his and their Heirs, to or
 to the Use of or in Trust for His said Serene Highness, One
 Annuity of Thirty thousand Pounds of lawful Money of *Great*
Britain; which Annuity of Thirty thousand Pounds shall
 commence and take effect from the Day of the Marriage of
 Her Majesty and His said Serene Highness, and continue from
 thenceforth for and during the Life of His said Serene High-
 ness; and the said Annuity shall be free and clear from all
 Taxes, Rates, and Assessments, and all other Charges what-
 soever, and shall be paid and payable at the Four most usual
 Days of Payment in the Year; that is to say, the Fifth Day
 of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and
 the Tenth Day of *October*, in every Year, by even and equal
 Portions; with a proportionable Part of such Annuity from the
 last Quarter Day to the Day of the Decease of His said Serene
 Highness; the first Payment thereof to be made, on the first
 quarterly Day of Payment next after the said Marriage, of
 such Proportion of such quarterly Payment as shall have
 accrued between the Day of Marriage and such Quarter Day;
 and that the said Annuity of Thirty thousand Pounds shall
 and may by such Letters Patent be directed to be issuing and
 payable out of the Consolidated Fund of the United Kingdom
 of *Great Britain and Ireland* during the Life of His said
 Serene Highness, after paying or reserving sufficient to pay
 all such Sums as shall have been directed to be paid out of the
 same by any Act or Acts of Parliament made previous to the
 Time of passing this Act, but with a Preference to all other
 Payments which shall or may at any Time after the passing of
 this Act be charged upon and payable out of the said Fund.

Her Majesty
 empowered
 to grant an
 Annuity of
 30,000*l.* to
 Prince Albert
 of Saxe Coburg
 and Gotha.

II. And be it enacted, That His said Serene Highness shall
 not, by virtue of such Marriage, acquire or become entitled to
 any Estate or Interest in any Property, Real or Personal, to
 which Her Majesty may be or may become entitled to in
 any Right or Manner whatsoever; but that all such Property
 shall be held and enjoyed by Her said Majesty, Her Heirs and
 Successors, as if such Marriage had never taken place.

Prince Albert
 not to acquire
 any Estate or
 Interest in any
 Property to
 which Her
 Majesty may be
 entitled.

An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and forty. [24th February 1840.]

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned ;' and do therefore most humbly beseech Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty, the Sum of Two Millions, a Part of the Sum now remaining in the Exchequer of the United Kingdom of *Great Britain* and *Ireland*, or remaining to be raised on the Twenty-seventh Day of *January* One thousand eight hundred and forty, to complete the Aids granted by Parliament for the Service of the Year One thousand eight hundred and thirty-nine and of antecedent Years ; and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1840, the Sum of 2,000,000*l.* now remaining in the Exchequer.

An Act to repeal so much of an Act passed in the Thirteenth Year of the Reign of His Majesty King George the Second, intituled *An Act to restrain and prevent the excessive Increase of Horse Races ; and for amending an Act made in the last Session of Parliament, intituled ‘ An Act for the more effectual preventing of excessive and deceitful Gaming,’* as relates to the Subject of Horse Racing.

Applezanth v Colley 10 M W 723. [23^d March 1840.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His Majesty King George the Second, intituled *An Act to restrain and prevent the excessive Increase of Horse Races; and for amending an Act made in the last Session of Parliament, intituled 'An Act for the more effectual preventing*

SG. 2. c. 19.

This I. does not

of
at 3.00 Hg - 759 - 1 D.G.E.

“ of excessive and deceitful Gaming :’ And whereas Doubts have arisen as to the Meaning of certain Clauses in the said Act relating to the Subject of Horse Racing: And whereas several Persons, not intending to offend against the Provisions of the said Act, have been subjected to vexatious Proceedings at Law, and it is expedient to repeal so much of the said Act as relates to the Subject of Horse Racing:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act made and passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Second as relates to the Subject of Horse Racing be and the same is hereby repealed.

So much of recited Act as relates to Horse Racing repealed.

II. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Writ of Summons, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred under the said Act made and passed in the Thirteenth Year of His said late Majesty King *George* the Second, to apply to the Court in which such original Writ, Writ of Summons, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at *Westminster*, for an Order that such original Writ, Writ of Summons, Suit, Action, Bill, Complaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge, as the Case may be, is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued: Provided always, that in all Cases in which any such Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out or commenced subsequently to the First Day of *March* One thousand eight hundred and forty, it shall be lawful for such Court or Judge as aforesaid to make such Order for discontinuing the same, without Payment of any Costs; and in every such Case, on the making of such Order, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued: Provided always, that nothing herein contained shall be deemed or taken to enable any Person to recover back any Money paid before the passing of this Act, in pursuance of any Judgment duly obtained under the Provisions of the said last-recited Act.

Persons sued for Penalties under recited Act may apply to the Court from which any Suit has issued for an Order to discontinue it; and thereupon the Court may make such Order.

As to Actions commenced since 1st March 1840.

Not to enable Persons to recover back Money paid.

Act may be
amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. VI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[3d April 1840.]

Number of the
Forces.

Crimes punish-
able by Death.

‘ WHEREAS the raising or keeping a standing Army within
‘ the United Kingdom of *Great Britain and Ireland*, in
‘ Time of Peace, unless it be with the Consent of Parliament,
‘ is against Law: And whereas it is adjudged necessary by
‘ Her Majesty, and this present Parliament, that a Body of
‘ Forces should be continued, for the Safety of the United
‘ Kingdom, the Defence of the Possessions of Her Majesty’s
‘ Crown, and the Preservation of the Balance of Power in
‘ *Europe*, and that the whole Number of such Forces should
‘ consist of Ninety-three thousand four hundred and seventy-
‘ one Men, exclusive of the Officers and Men belonging to
‘ the Regiments employed in the Territorial Possessions of the
‘ *East India Company*, but including the Officers and Men of
‘ the Troops and Companies recruiting for those Regiments:
‘ And whereas no Man can be forejudged of Life or Limb, or
‘ subjected in Time of Peace to any Kind of Punishment within
‘ this Realm, by Martial Law, or in any other Manner than
‘ by Judgment of his Peers and according to the known and
‘ established Laws of this Realm; yet nevertheless, it being
‘ requisite, for the retaining all the before-mentioned Forces in
‘ their Duty, that an exact Discipline be observed, and that
‘ Soldiers who shall mutiny or stir up Sedition, or shall desert
‘ Her Majesty’s Service, be brought to a more exemplary
‘ and speedy Punishment than the usual Forms of the Law will
‘ allow;’ Be it therefore enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, That
if any Person who is or shall be commissioned or in Pay as an
Officer, or who is or shall be listed or in Pay as a Non-com-
missioned Officer or Soldier, shall, at any Time during the
Continuance of this Act, begin, excite, cause, or join in any
Mutiny or Sedition in Her Majesty’s Land or Marine Forces,
or shall not use his utmost Endeavours to suppress the same,
or coming to the Knowledge of any Mutiny or intended Mutiny
shal Inot, without Delay, give Information thereof to his Com-
manding Officer; or shall misbehave himself before the Enemy;
or shall shamefully abandon or deliver up any Garrison, For-
tress, Post, or Guard committed to his Charge, or which he shall
be commanded to defend; or shall compel the Governor or
Commanding Officer of any Garrison, Fortress, or Post to
deliver up to the Enemy or to abandon the same; or shall
speak Words or use any other Means to induce such Governor
or

or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

III. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of Her Majesty's Service by any Process

The ordinary Course of Law not to be interfered with.

Soldiers not to be taken away from the Service for Debts under 30*l*.

cess or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be indorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

The Queen
may make
Articles of
War in con-
formity with
this Act.

IV. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Constitution
of Courts-
martial.

V. And be it enacted, That Her Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles

Articles of War to Justice it shall be lawful for Her Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant Her Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command, not below the Degree of a Field Officer, to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies* excepted,) or in the Settlements of the *East India Company*, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, and the *Australian Colonies*, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, and the *Australian Colonies*, of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Composition
of General
Courts-martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such

Powers of
General Courts-
martial.

such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

IX. And

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service :

In tampering with his Eyes :

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure :

In purloining or selling Government Stores :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess :

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money entrusted to him :

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind :

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with

CAP. IV.

An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and forty. [24th February 1840.]

‘ Most Gracious Sovereign,

‘ WE, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned;’ and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty, the Sum of Two Millions, a Part of the Sum now remaining in the Exchequer of the United Kingdom of *Great Britain* and *Ireland*, or remaining to be raised on the Twenty-seventh Day of *January* One thousand eight hundred and forty, to complete the Aids granted by Parliament for the Service of the Year One thousand eight hundred and thirty-nine and of antecedent Years; and the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1840, the Sum of 2,000,000*l.* now remaining in the Exchequer.

CAP. V.

An Act to repeal so much of an Act passed in the Thirteenth Year of the Reign of His Majesty King George the Second, intituled *An Act to restrain and prevent the excessive Increase of Horse Races; and for amending an Act made in the last Session of Parliament, intituled ‘ An Act for the more effectual preventing of excessive and deceitful Gaming,’* as relates to the Subject of Horse Racing.

Applegate v Colley 10 M 44723. [23d March 1840.]

‘ WHEREAS an Act was passed in the Thirteenth Year of the Reign of His Majesty King George the Second, intituled *An Act to restrain and prevent the excessive Increase of Horse Races; and for amending an Act made in the last Session of Parliament, intituled ‘ An Act for the more effectual preventing*

3 G. 2. c. 19.

This Act does not affect the 18th. 2. of 36 c. 11 which is now the 6. Statute to Sovereign (Prin) or Part 3. 18th. 759 - 1840.

“ of excessive and deceitful Gaming.” And whereas Doubts have arisen as to the Meaning of certain Clauses in the said Act relating to the Subject of Horse Racing: And whereas several Persons, not intending to offend against the Provisions of the said Act, have been subjected to vexatious Proceedings at Law, and it is expedient to repeal so much of the said Act as relates to the Subject of Horse Racing: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act made and passed in the Thirteenth Year of the Reign of His said late Majesty King George the Second as relates to the Subject of Horse Racing be and the same is hereby repealed.

So much of recited Act as relates to Horse Racing repealed.

II. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Writ of Summons, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred under the said Act made and passed in the Thirteenth Year of His said late Majesty King George the Second, to apply to the Court in which such original Writ, Writ of Summons, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or if such Court shall not be sitting to any Judge of either of the Superior Courts at Westminster, for an Order that such original Writ, Writ of Summons, Suit, Action, Bill, Complaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge, as the Case may be, is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued: Provided always, that in all Cases in which any such Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out or commenced subsequently to the First Day of March One thousand eight hundred and forty, it shall be lawful for such Court or Judge as aforesaid to make such Order for discontinuing the same, without Payment of any Costs; and in every such Case, on the making of such Order, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued: Provided always, that nothing herein contained shall be deemed or taken to enable any Person to recover back any Money paid before the passing of this Act, in pursuance of any Judgment duly obtained under the Provisions of the said last-recited Act.

Persons sued for Penalties under recited Act may apply to the Court from which any Suit has issued for an Order to discontinue it; and thereupon the Court may make such Order.

As to Actions commenced since 1st March 1840.

Not to enable Persons to recover back Money paid.

Act may be
amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. VI.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[3d April 1840.]

Number of the
Forces.

Crimes punish-
able by Death.

‘ WHEREAS the raising or keeping a standing Army within
‘ the United Kingdom of *Great Britain and Ireland*, in
‘ Time of Peace, unless it be with the Consent of Parliament,
‘ is against Law: And whereas it is adjudged necessary by
‘ Her Majesty, and this present Parliament, that a Body of
‘ Forces should be continued, for the Safety of the United
‘ Kingdom, the Defence of the Possessions of Her Majesty’s
‘ Crown, and the Preservation of the Balance of Power in
‘ *Europe*, and that the whole Number of such Forces should
‘ consist of Ninety-three thousand four hundred and seventy-
‘ one Men, exclusive of the Officers and Men belonging to
‘ the Regiments employed in the Territorial Possessions of the
‘ *East India Company*, but including the Officers and Men of
‘ the Troops and Companies recruiting for those Regiments:
‘ And whereas no Man can be forejudged of Life or Limb, or
‘ subjected in Time of Peace to any Kind of Punishment within
‘ this Realm, by Martial Law, or in any other Manner than
‘ by Judgment of his Peers and according to the known and
‘ established Laws of this Realm; yet nevertheless, it being
‘ requisite, for the retaining all the before-mentioned Forces in
‘ their Duty, that an exact Discipline be observed, and that
‘ Soldiers who shall mutiny or stir up Sedition, or shall desert
‘ Her Majesty’s Service, be brought to a more exemplary
‘ and speedy Punishment than the usual Forms of the Law will
‘ allow;’ Be it therefore enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Par-
liament assembled, and by the Authority of the same, That
if any Person who is or shall be commissioned or in Pay as an
Officer, or who is or shall be listed or in Pay as a Non-com-
missioned Officer or Soldier, shall, at any Time during the
Continuance of this Act, begin, excite, cause, or join in any
Mutiny or Sedition in Her Majesty’s Land or Marine Forces,
or shall not use his utmost Endeavours to suppress the same,
or coming to the Knowledge of any Mutiny or intended Mutiny
shal Inot, without Delay, give Information thereof to his Com-
manding Officer; or shall misbehave himself before the Enemy;
or shall shamefully abandon or deliver up any Garrison, For-
tress, Post, or Guard committed to his Charge, or which he shall
be commanded to defend; or shall compel the Governor or
Commanding Officer of any Garrison, Fortress, or Post to
deliver up to the Enemy or to abandon the same; or shall
speak Words or use any other Means to induce such Governor
or

or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortreas, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

III. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of Her Majesty's Service by any Process

The ordinary Course of Law not to be interfered with.

Soldiers not to be taken away from the Service for Debts under 30*l*.

cess or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be indorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

The Queen
may make
Articles of
War in con-
formity with
this Act.

IV. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Constitution
of Courts-
martial.

V. And be it enacted, That Her Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the
Articles

Articles of War to Justice it shall be lawful for Her Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant Her Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and the *British* Isles, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command, not below the Degree of a Field Officer, to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian* Colonies excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena*, *Africa*, and the *Australian* Colonies, shall consist of not less than Seven, and in *Saint Helena*, *Africa*, and the *Australian* Colonies, of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Composition
of General
Courts-martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such

Powers of
General Courts-
martial.

such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Trial by General Court-martial for Embezzlement.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

IX. And

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service :

In tampering with his Eyes :

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure :

In purloining or selling Government Stores :

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess :

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money entrusted to him :

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind :

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with

with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Regimental
Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment; Provided always, then when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

Forfeiture of
Pay and Pen-
sion by Deser-
tion; and
marking a
Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony in any Court of Civil Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to addi-
tional

tional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Powers of a
Detachment
Court-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of Her Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of Her Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of Her Majesty's Land Forces and Officers in the Service of the *East India Company*, when serving together, may be associated in Courts-martial, which shall to all Intents and Purposes be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the *East India Company*; save and except that on the Trial of any Person in Her Majesty's Land Forces, the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and that on the Trial of any Person belonging to Her Majesty's Marine Forces, the Provisions of an Act passed in the present Session of Parliament for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the

Mixture of
Officers upon
Courts-martial.

East

East India Company, the Provisions of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

Power to
administer
Oaths.

XIV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same.

Proceedings of
Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of Queen's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within

within their several Shires and Stewartries in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision. Appeal.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial. Report of
Proceedings
of General,
District, or
Garrison
Courts-martial.

XVIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching Transportation
from the United
Kingdom.

the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning, or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Transportation
from the
Colonies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding in chief Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching
other

other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

XX. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Offences against former Mutiny Acts may be tried under this Act.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in same Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall so have been found guilty.

Subsequent Enlistment no Protection from Punishment for Desertion.

Apprehension
of Deserters.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters, or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison or Delivery of such Deserter to the Party of his Regiment, in order for his being taken to the Head Quarters or Depôt of his Regiment as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: Provided also, that the Fee or Reward taken by any Justice or his Clerk, in respect of any Information, Commitment, or Report as aforesaid, shall in no Case exceed the Sum of Two Shillings.

Fraudulent
Confession of
Desertion.

XXIII. And be it enacted; That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any
of

of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; and in case such Person shall not be a Deserter from the Regiment stated in such Confession he shall be liable to be punished as a Rogue and Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

XXIV. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Dépôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, nor to any other Penalty except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Recruits deserting liable to be transferred to the nearest Regiment or Dépôt.

Penalty for inducing or assisting to desert.

XXV. And be it enacted, That every Person who shall, in any Part of Her Majesty's Dominions, directly or indirectly persuade any Soldier to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for forcible Entry.

XXVI. And be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whosoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Custody of Offenders under a Military Sentence.

XXVII. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of Her Majesty's Dominions shall, upon the Order in Writing of any Commanding Officer of a District, Garrison, Regiment, or Corps, (as the Case may be,) receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, and keep him in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or shall, although the Period for which the Soldier was originally committed may not have expired, deliver him up to any Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid; and every such Gaoler who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in manner as aforesaid shall forfeit for every such Offence the Sum of One hundred Pounds.

One Pentagon in the Penitentiary at Millbank to be appropriated as a Prison for Military Offenders.

XXVIII. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of one of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Soldier convicted by a Court-martial may be sent by Order of any Commanding Officer of a District, Garrison, Regiment, or Corps to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

Powers and Duties of the Person to be appointed Superintendent of said Pentagon.

XXIX. And be it enacted, That the Person who shall for the Time be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the same Pentagon shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclu-

exclusively belonging thereto, and to the Soldiers confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and to the Superintendent and Officers thereof, and to the Soldiers confined therein: Provided always, that nothing herein contained shall prevent any Soldier confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

XXX. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of Her Majesty's Dominions shall diet and supply every Soldier with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under awful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Custody and
Subsistence of
Deserters.

XXXI. And be it enacted, That every Gaoler to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier, liable to serve Her Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War.

Notice of Ex-
piration of Im-
prisonment.

XXXII. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Forces of the *East India* Company while they shall be in any Part of the United Kingdom, and until their Arrival in the Territories of the *East India* Company, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal

Persons subject
to this Act.

Artillery and Field Train, and to Master Gunners and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and in the Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty, or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Foreign Troops
in this Country.

XXXIII. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in Possession of or occupied by Her Majesty's Subjects, under the Command of any Officer having any Commission immediately from Her Majesty, shall be liable to Martial Law in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland* although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and
Yeomanry.

XXXIV. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Act to extend
to Jersey,
Guernsey, &c.

XXXV. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter,

serter, or who shall cause the Colour of any such Clothes to be changed, and also as to the Exemption from Arrest for Debts under Thirty Pounds of Soldiers in the said Islands.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down, in Writing, the Name and Place of Abode of such Recruit; and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall within Four Days, (any intervening *Sunday* not included,) but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Enlisting and
swearing of
Recruits.

XXXVII. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his

Dissent and
Relief from
Enlistment.

Dissent

Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit specifying the Cause thereof.

Offences connected with
Enlistment.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded

absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained, before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved upon Oath, before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained

7 & 8 G. 4. c. 28.

9 G. 4. c. 55.

tained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on
Officers offend-
ing against
Laws regard-
ing Enlistment.

XXXIX. And be it enacted, That every Military Officer who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits of Her Majesty's Service, or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and
Re-enlistment
abroad.

XL. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting, and others desirous of enlisting abroad; be it therefore enacted, That it shall be lawful for any Person duly appointed

pointed by Her Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain or Ireland*, any Soldiers or Persons desirous of enlisting 'or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

XLI. And be it enacted, That all Negroes purchased by or on account of Her Majesty, and serving in any of Her Majesty's Forces, [shall be considered as Soldiers having voluntarily enlisted in Her Majesty's Service; provided that nothing contained in this Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

Enlistment of
Negroes.

XLII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India Company's* Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India Company*, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Apprentice
enlisting to be
liable to serve
after the Expi-
ration of his
Apprentice-
ship.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India Company's* Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when

Claims of
Masters to
Apprentices.

when so bound, and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of
Apprentices
enlisting.

XLIV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried

tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in Scotland for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

XLV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in Her Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Musters, and
Penalty on
false Musters.

XLVI. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or a Criminal Court, or by reason of any Arrest for Debt or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the

Forfeiture of
Pay.

the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence; provided that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining Her Majesty's Service from being a Prisoner of War due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Extension of
Furlough in
case of Sick-
ness.

XLVII. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching
Money on
Discharge.

XLVIII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall

shall so require it, to *Great Britain or Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

XLIX. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Commissaries
to attest their
Accounts.

L. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

Issue of Pay of
the Army.

LI. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are

[No. 3. Price 2d.] C hereby

Penalty for
Disobedience
by Agents.

hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

How and where
Troops may be
billeted.

LII. ' And whereas by Petition of Right in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and

6 Ann. (I.)

and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in any One House, except only in case of billeting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situated within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billeted,

such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

Billeting the
Guards in and
near *Westminster*.

LIII. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts
to

to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

LIV. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Military Officers not to act as Justices in billeting.

LV. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord

Allowance to Innkeepers.

Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

Definition of
Terms.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting

Powers and
Regulations as
to Billets.

billetting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Exemptions
from Billets.

LVII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage in their Marches, in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience

Supply of
Carriages.

arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be
paid for Car-
riages, and
Mode of pro-
ceeding.

LVIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Half-penny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped

unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages; and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty, at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

LIX. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief

Supply of Carriages in Cases of Emergency.

Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision not only of Waggon, Wain, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rate of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient, then out of the Monies which the said Justices shall have Power to raise for that Purpose in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Routes in Ireland.

LXI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces

Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

LXII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, when conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, and all Recruits marching by Route, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; and any Toll Collector who shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

LXIII. And be it enacted, That when any Soldiers on Service have Occasion in their March to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

LXIV. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable

Tolls.

Ferries.

Penalties upon
Civil Subjects
offending
against the
Laws relating
to Billets and
Carriages.

Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal, any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon
the Military so
offending.

LXV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by one of the said Justices to the Judge Advocate in London, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel

travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence, in addition to the Forfeiture of Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described,

Penalty on purchasing Soldiers Necessaries, &c.

described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects, and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalty on
unlawful re-
cruiting.

LXVII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India Company's* Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith without Permission in Writing from the Adjutant General, or from the Directors of the *East India Company*, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on
trafficking in
Commissions.

LXVIII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on
killing Game.

LXIX. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain and Ireland*, and upon Complaint thereof shall be,

be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

LXX. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Officers not liable to take Parish Apprentices.

LXXI. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Mode of recording a Soldier's Settlement.

LXXII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXIII. And be it enacted, That it shall be lawful for the Justice, before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and, in case of Neglect or Refusal to pay the same within Four Days, shall issue his Warrant for levying the same, by Distress and Sale of the Goods and Chattels of the Master.

Wages of a Servant enlisting.

LXXIV. And be it enacted, That when any Persons shall hold any Canteens under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices, within their respective

Licences of Canteens.

respective Jurisdictions, to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Cantens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of
Accounts.

LXXV. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice, without Fee or Reward to himself or to his Clerk.

Form of
Actions at Law.

LXXVI. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of
Penalties.

LXXVII. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace, and others*, and of another Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied, in *Scotland*,
for

3 G. 4. c. 23.

5 G. 4. c. 18.

for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

LXXVIII. And be it enacted, That one Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London* or *Dublin*, as the Case may be, to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Appropriation
of Penalties.

5 & 6 W. 4.
c. 76.

LXXIX. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Person convicted of wilful and corrupt Perjury are subject and liable to.

Administration
of Oaths.

Perjury.

LXXX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and forty-one; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One

Duration of
Act.

thousand eight hundred and forty inclusive until the First Day of *May* One thousand eight hundred and forty-one; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and forty inclusive until the First Day of *August* One thousand eight hundred and forty-one; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and forty inclusive to the First Day of *September* One thousand eight hundred and forty-one; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and forty-one inclusive to the First Day of *January* One thousand eight hundred and forty-two; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and forty-two inclusive to the First Day of *February* One thousand eight hundred and forty-three: Provided that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

Alteration of
this Act.

LXXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.

So help me GOD.

FORM

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT :

Enlisting for unlimited Service.

1. What is your Name ?
2. In what Parish, and in or near what Town, and in what County, were you born ?
3. What is your Age ?
4. What is your Trade or Calling ?
5. Are you an Apprentice ?
6. Are you married ?
7. Are you ruptured or lame ; have you ever been subject to Fits ; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour ?
8. Are you willing to be attested to serve in the Regiment of _____ until you shall legally be discharged ?
9. On what Day and by whom were you enlisted ?
10. For what Bounty did you enlist ?
11. Do you now belong to the Militia ?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy ?
13. Have you ever served in the Army, Marines, Ordnance, or Navy ?

Note.—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for unlimited Service in Her Majesty's Colonies.

Question 8 is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Colony of _____ until you shall be duly and legally discharged ?

Enlisting for limited Service.

The preceding Questions to be put by the Justice, except Question 8, which is to be as follows :

8. Are you willing to be attested to serve in the Regiment of _____ for the Period of [this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for Artillery,

Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,] Years, provided Her Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of Her Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, or Twelve, as the Case may be,] Years.

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8 is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the *East India Company*, according as Her Majesty shall think fit to order, until you shall be duly and legally discharged ?

Enlisting for the East India Company's Service.

Question 8 to be put by the Justice as follows :

8. Are you willing to be attested to serve the *East India Company* until you shall be legally discharged ? [*Or if the Recruit enlist for limited Service then insert, for the Period of Twelve Years, (if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,) provided the said Company should so long require your Service?*]

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me ; that the Answers thereto have been read over to me ; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders

Orders of Her Majesty, Her Heirs and Successors, and of the
Generals and Officers set over me. So help me GOD.

Witness my Hand

} Signature of
Recruit.

Witness present.

Sworn before me at this
Day of One thousand eight }
hundred and

Signature of Justice _____

*If enlisting for either Her Majesty's or the East India Company's
Service, the following Addition is to be made to the foregoing
Oath :*

And that if Her Majesty, Her Heirs or Successors, shall
please to appoint me to serve in the Forces of the *East India*
Company, then I swear, that I will also be true to the said
Company, and will duly observe and obey all their Orders, and
the Orders of their Generals and Officers who shall be lawfully
set over me.

*If enlisting for the East India Company's Service, the following is to
be added to the Oath :*

And that I will also be true to the said Company, and will
duly observe and obey all their Orders, and the Orders of their
Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently		
Height,	Feet	Inches.
Complexion,		
Eyes,		
Hair,		

Any distinctive Mark.

to wit. } I _____ one of Her Majesty's Justices of the
Peace of _____ do hereby certify, That the
above is the Description of the Recruit _____ and in
my Presence all the foregoing Questions were put to the
said _____ ; that the Answers written opposite to them
are those which he gave to me; and that the First and Second
Articles of the Second Section of the Articles of War were
read over to him; that he took the Oath of Allegiance and
Fidelity; that he received the Sum of _____ on
being attested this Day; and that I have given him a Duplicate
of this Certificate, signed with my Name.

Signature of Justice.

SCHEDULE (N.)

No	DESCRIPTION RETURN of	at	on the	Day of	committed to Confinement
	from the		Regiment of		as a Deserter
Age	-	-	-	-	{
Height	-	-	-	-	{ Feet. Inches.
Complexion	-	-	-	-	{
Hair	-	-	-	-	{
Eyes	-	-	-	-	{
Marks	-	-	-	-	{
Probable Date of Enlistment, and where	-	-	-	-	{
Probable Date of Desertion, and from what Place	-	-	-	-	{
Name and Occupation and Address of the Person by whom apprehended	-	-	-	-	{
Particulars in the Evidence on which the Prisoner is committed	-	-	-	-	{
Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter	-	-	-	-	{
Whether the Prisoner confessed before the Magistrate that he is a Deserter	-	-	-	-	{

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the above-mentioned Corps.

Signature and Address
of Magistrate.

Signature of Prisoner.

Signature of Informant.

* Insert "is" or "is not," as the Case may be.

I certify that I have inspected the Prisoner, and consider him * for Military Service.

Signature of Military Medical Officer, or of
Private Medical Practitioner.

* Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

CAP. VII.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty. [3d April 1840.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned;’ and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty, the Sum of Eight Millions out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1840, the Sum of 8,000,000*l.* out of the Consolidated Fund.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty’s Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty’s Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Clauses, &c. in recited Act extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

IV. And

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any other Act or Acts to the contrary notwithstanding.*

Bank of England may advance 8,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

CAP. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [3d April 1840.]

‘ WHEREAS it is judged necessary for the Safety of the United Kingdom, and the Defence of the Possessions of this Realm, that a Body of Royal Marine Forces should be employed in Her Majesty's Fleet and Naval Service, under the Direction of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid: And whereas the said Forces may frequently be quartered or be on shore, or sent to do Duty or be on board Transport Ships, or Merchant Ships or Vessels, or Ships or Vessels of Her Majesty, or other Ships or Vessels, or they may be under other Circumstances in which they will not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by the Judgment of his Peers and according to the known and established Laws of this Realm; yet nevertheless it being requisite for the retaining of such Forces in their Duty that an exact Discipline be observed, and that Marines who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty, if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's

Crimes punishable by Death.

Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any other Place, or while being in any Circumstances in which he shall not be subject to the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being; or shall strike or use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil

The ordinary Course of Law not to be interfered with.

Civil or Military Office or Employment in Her Majesty's Service, and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering.

Marines not to be taken away from the Service for Debts under 30*l*.

III. And be it enacted, That no Person enlisted in Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate or other Process for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, nor, except in the Case of an Apprentice, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of Her Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least, over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Persons shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action: Provided always, that any Plaintiff upon Notice in Writing of the Cause of Action to be first given to any Marine, or left with the Adjutant of the Division to which he shall belong, may, in case no Appearance shall be entered in due Time, file a Common Appearance for him, in any Action brought for the Recovery of a Debt, and may proceed therein to Judgment and Outlawry, and may have Execution thereon other than against the Body of the Defendant.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct
of

of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad: Provided always, that no Person shall be subject by such Rules and Articles to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, for any Crime which is not expressed to be so punishable by this Act, nor in any Manner which shall not accord with the Provisions of this Act.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Lord High
Admiral, &c.
may grant
Commissions
for holding
General Courts-
martial, &c.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian* Colonies excepted,)

Composition
of General
Courts-martial.

cepted,) or in the Settlements of the *East India Company*, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or the *Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena*, *Africa*, and the *Australian Colonies*), shall have not less than Seven, and in *Saint Helena*, *Africa*, and the *Australian Colonies* not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Courts-martial
to administer
Oaths.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority as is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat.

Proceedings of
Courts-martial.

VIII. And be it enacted, That in all Trials by General Courts martial to be held by virtue of this Act the President and every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members, the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

Officers of the
Marine and
Land Forces
may sit in con-
junction on
Courts-martial.

IX. ' And whereas it may be expedient in many Cases that ' Officers of the Land Forces should be associated with Royal ' Marine Officers for the Purpose of holding Courts-martial;' be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces; and the Officers composing such Court shall in

such Cases take Rank according to the Seniority of their Commissions in either Service.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times, with Intervals of not less than One Month between such Times, in One Year; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay and Pension on Discharge; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

General
Courts-martial
may sentence
Offenders to
Imprisonment,
&c.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, and the *Australian Colonies*, where it may consist of not less than Five Commissioned Officers, and that it shall be lawful for such Court, whether assembled under the Authority of this Act or of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment, not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed One Month at a Time, or Three Months at different Times,

District or
Garrison
Courts-martial.

with

with Intervals of not less than One Month between such Times in One Year; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on account of Services, for disgraceful Conduct in wilfully maiming or injuring himself or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such District or Garrison Court-martial shall not have Power to pass any Sentence of Death or Transportation.

If no Superior Officer of Land Forces is present in command of a District, &c. an Officer of Marines may convene a Court-martial.

XII. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps of the Degree of Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore-stated, and for such Court to proceed to try any Marine or Marines, below the Rank of

Commis-

Commissioned Officer, for any of the afore-mentioned Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act afore-mentioned, for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

XIII. And be it enacted, That in Cases of Mutiny and gross Insubordination or of any Offences committed on the Line of March, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may try any Marine for habitual Drunkenness, and may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement not exceeding Twenty Days: Provided also, that when the Imprisonment so to be adjudged shall be part solitary and part otherwise, the whole Period, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Divisional Court-martial may sentence any Marine, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Marine convicted of habitual Drunkenness of his Liquor, when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, as may accord with the Articles of War, subject to Restoration on good Conduct.

XIV. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Detachment Court-martial shall be executed until the General

Marking a
Deserter.

commanding in chief the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award: and it shall be lawful for any General or District or Garrison Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Trial and
Punishment
for Embezzle-
ment.

XVI. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, with Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to Her Majesty.

Witnesses.

XVII. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a General, District, Garrison, or Divisional Court-martial, or by the Adjutant at the Head Quarters of the Division at which any such Court shall be appointed to be held, to give Evidence on any Court-martial, shall during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody

to-day by the Order of the Court out of which the Writ or Process for such Arrest was issued, and if such Court shall not be then sitting, then by the Order of any Judge or Baron of the Courts at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of Queen's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law, or elsewhere, in the same Manner as Persons disobeying the Subpœna to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

XVIII. And be it enacted, 'That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed by a General Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as herein-before provided any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in

Transportation
of Offenders.

force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning, or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench, and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Disposal of
Convict after
Sentence of
Transportation.

XIX. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported, as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be conveyed to the nearest Ship for the Reception of Convicts, or if there shall be no such Ship in the Neighbourhood of the Division, then to the Gaol of the County in which such Division shall be stationed, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Superintendent or Chief Officer of the Convict Ship, or the Sheriff or the Keeper of the Gaol of the County, as the Case may be, to receive and detain him: Provided always, that in case of any such Offender being so conveyed to the Gaol of the County, the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division upon Production to him by the said Keeper of a Declaration,

Declaration, to be made to him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol.

XX. And be it enacted, That in all Cases of any Person belonging to the Royal Marine Forces being sentenced by any General or other Court-martial to Imprisonment in any House of Correction, Common Gaol, or Public Prison, the Gaolers and Keepers of such Houses of Correction, Gaols, or Prisons respectively shall receive into their Custody every such Person, upon receiving an Order in Writing for that Purpose from the Commanding Officer of the Division at which such Court-martial shall have been held, together with a Copy of the Sentence attested by the said Commanding Officer, and shall detain him in Confinement in the Manner and for the Period mentioned in such Sentence, or until he be duly discharged, or shall deliver him up to such Person producing an Order in Writing to that Effect from any such Commanding Officer, although the Period for which he was committed shall not have expired; and every such Gaoler or Keeper refusing or neglecting to receive and confine any such Person, pursuant to such Sentence, or to discharge him upon any such Order, shall, on being convicted thereof, forfeit for every such Offence the Sum of One hundred Pounds.

Imprisonment
of Offenders.

XXI. And be it enacted, That One Pentagon in the General Penitentiary at *Millbank*, to be selected by the Superintending Committee of the said Penitentiary, with the Approbation of one of Her Majesty's Principal Secretaries of State, shall be deemed to be a Prison within the Meaning of any Act now in force or hereafter to be in force for punishing Mutiny and Desertion; and that any Marine convicted by a Court-martial may be sent by Order of the Commissioners for executing the Office of Lord High Admiral to such Pentagon, there to undergo Imprisonment, with or without hard Labour or solitary Confinement, or such other Punishment as may be awarded by his Sentence, and during the Time specified in the said Order, or until he be discharged before the Expiration of that Time by an Order duly made for that Purpose.

One Pentagon
in the Peniten-
tiary at Mill-
bank to be
appropriated
as a Prison
for Marine
Offenders.

XXII. And be it enacted, That the Person who shall for the Time be intrusted by the Superintending Committee or Visitor of the said Penitentiary with the Charge of the same Pentagon shall be deemed to be the sole Superintendent thereof, and shall perform the same Duties and exercise the same Powers and Authorities in relation to such Pentagon, and to the Officers exclusively belonging thereto, and to the Marines confined therein, as the Governor of the said Penitentiary shall perform and exercise in relation to the other Pentagons, Officers, and Prisoners in the said Penitentiary, any thing in any Act to the contrary notwithstanding; subject nevertheless to such peculiar Regulations as the said Superintending Committee, with the Approbation of one of the Principal Secretaries of State, may from Time to Time make in relation to such Pentagon, and

Powers and
Duties of the
Person to be
appointed
Superintendent
of said Penta-
gon.

to the Superintendent and Officers thereof, and to the Marines confined therein: Provided always, that nothing herein contained shall prevent any Marine confined in the said Pentagon from being taken to the Chapel or Infirmary of the said Penitentiary.

Place of Con-
finement of
Offenders may
be changed.

XXIII. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by the Secretary of the Admiralty for the Time being,) receive into his Custody and shall confine, pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly hereinbefore provided.

Offenders
against former
Mutiny
Acts may be
tried under this
Act.

XXIV. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after

Limitation as
to Time.

the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Case of an Appeal from a Divisional to a General Court-martial against a Conviction; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Appeal.

Revision of Sentence.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or who shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, it shall be lawful for such Officer, if he shall think fit, in addition to such other Punishment as he has Authority to inflict, to deprive any such Marine of his Pay for the Days on which he shall have been so absent, and thereupon such Pay shall be forfeited; in which Case such Marine shall not be liable to be afterwards tried by a Court-martial for such Absence: Provided always, that any Marine so deprived of his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed, with the Authority and Consent of the Commissioners for executing the Office of Lord High Admiral, but not otherwise, to receive the Arrears of Pay and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to

Forfeiture of Pay.

the said Commissioners to receive the Whole or any Proportion of his Pay, and to reckon Service for the Time he shall have been so absent; and provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid.

Report of
Proceedings
of Courts-
martial.

XXVII. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same according to the Length thereof; provided that such Application as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Subsequent
Enlistment
no Protection
from Punish-
ment for De-
sertion.

XXVIII. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence at his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

Apprehension
of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and
if

if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place and acting for the same or any adjoining County, who shall examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient Public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same: Provided always, that no Fee or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her Majesty's Royal Marine Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; and in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall be liable to be punished as a Rogue and Vagabond, by summary Conviction before any Justice of the Peace, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or as a Rogue and Vagabond

Fraudulent
Confession of
Desertion.

bond for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or as a Rogue and Vagabond for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with as a Deserter.

Reward for
apprehending
Marines
attempting to
desert.

XXXI. ' And whereas it has been judged expedient, for the ' Prevention of Desertion, to establish Outlying Parties in the ' Vicinity of the respective Divisions of Royal Marines, for the ' Purpose of intercepting such Men as may straggle or attempt ' to desert from Head Quarters, and it is fit that Encourage- ' ment should be given to Persons composing such Parties to ' be diligent and active in their Duty in this Behalf; be it therefore enacted, That for and in respect of every Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Penalty for
inducing or
assisting to
desert.

XXXII. And be it enacted, That every Person who shall in any Part of Her Majesty's Dominions directly or indirectly persuade any Marine to desert, or shall assist any Deserter from Her Majesty's Royal Marine Service in deserting, or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Custody and
Subsistence of
Deserters.

XXXIII. And be it enacted, That the Gaoler or other Person having the immediate Superintendence of any Prison, Gaol, or House of Correction shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment,

Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing to the Secretary of the Admiralty, signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him, while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

XXXIV. And be it enacted, That every Gaoler having Notice that any Person in his Custody is a Marine liable to serve Her Majesty shall, previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Notice of Expiration of Imprisonment.

XXXV. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for forcible Entry.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit, and if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Four Days (any intervening *Sunday* not included), but not sooner than Twenty-four Hours (any intervening *Sunday*

Enlisting and swearing of Recruits.

day

day not included), after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing and the several Articles of War against Mutiny and Desertion to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and
Relief from
Enlistment.

XXXVII. And be it enacted, That any Recruit appearing within Four Days as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account

Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

XXXVIII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXIX. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall, after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in Her Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up

Punishment of Apprentices enlisting.

to

Offences connected with Enlistment.

to some Officer authorized to receive Recruits he may be apprehended as a Deserter from Her Majesty's Marine Forces.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or

or to have wilfully concealed any Infirmary upon being attested, or designedly made any false Representation, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or Ordnance, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted, during all the Time the Militia to which

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Yearly Servants
enlisting to be
entitled to a
Proportion of
their Wages.

XLI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Penalty on
Officers offend-
ing as to En-
listment.

XLII. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Claims of
Masters to
Apprentices.

XLIII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service, unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such Apprentice shall, when

claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprenticeship may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the Enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

XLIV. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise, in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Musters, and
Penalty on
false Musters.

XLV. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Verifying of
Muster Rolls.

XLVI. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain, or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be

Extension of
Furlough in
case of Sick-
ness.

detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: provided that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment, according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching
Money on
Discharge.

XLVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Day's Marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Billeting of
Marines.

XLVIII. 'And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore;' be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral for the Time being, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required to billet the Officers and Marines, whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by Her Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act the Officers and their Horses shall

shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such

Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided always, that no Justice, being an Officer of Royal Marines, shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to
Innkeepers.

XLIX. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billeted in *England* (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the Average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then, upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters are situate, the

the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

L. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, shall on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders

Supply of
Carriages.

Rates for
Carriages.

for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions shall specify the Average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages; and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of
such

such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Six-pence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage if the same can be done in a reasonable Time without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

LII. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Carriages and Horses when employed in conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, and all Recruits marching by Route, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, and who by this Act is exempted from Payment thereof, such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

LIII. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House

Exemption
from Tolls.

Penalties upon
Civil Subjects
offending
against the
Laws relating
to Billets and
Carriages.

not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed or ordered by such Constable to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled, such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon
Officers of
Marines so
offending.

LIV. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for

excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine, in any House, against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or least han Forty Shillings.

LV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or which are generally deemed Regimental Necessaries, according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person, having been so convicted, shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall, for every such Offence, in addition to the Forfeiture of Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction or any Copy of the same, proved to be a true Copy, shall be sufficient Evidence

Penalty for
purchasing
Clothes, &c.
from any
Marine.

to prove a Conviction for the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or in his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice to be dealt with according to Law.

Penalty on
Officers killing
Game.

LVI. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not
liable to take
Parish Appren-
tices.

LVII. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Mode of re-
cording a Ma-
rine's Settle-
ment.

LVIII. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as afore-said, then on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Administration
of Oaths.

LIX. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in

Perjury.

any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

LX. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, within their respective Districts, shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such Exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Licences of
Canteens.

LXI. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assize the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Limitation of
Actions.

LXII. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in that Part of the United Kingdom in or near to which the Offence shall be committed; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Third Year of the

Recovery of
Penalties.

Reign

3 G. 4. c. 23.

5 G. 4. c. 18.

Reign of His Majesty King George the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and by another Act passed in the Fifth Year of the Reign of His said Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied, in *Scotland*, for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation
of Penalties.

5 & 6 W. 4. c. 76.

LXIII. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts of Parliament to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

Definition of
Terms.

LXIV. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized

authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Marines not to be billeted in private Houses, &c.

LXV. And be it enacted, That the Churchwardens of every Parish in *England*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Notification to Parishes of good or bad Conduct of Marines.

LXVI. And it is hereby declared and enacted, That all Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same

Marines to be subject to the Discipline of the Navy while on board Ship.

same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except in Cases where they shall be disembarked, embodied, and employed in Military Operations on shore, in which Cases they shall be subject to be tried under this Act: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit on shore any Offence for which he shall not be amenable to a Naval Court-martial, or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

Duration of
Act.

LXVII. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty until the Twenty-fifth Day of *April* One thousand eight hundred and forty-one inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty until the First Day of *May* One thousand eight hundred and forty-one inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and forty until the Twenty-fifth Day of *July* One thousand eight hundred and forty-one inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies*, and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and forty to the Twenty-fifth Day of *September* One thousand eight hundred and forty-one inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and forty to the Twenty-fifth Day of *November* One thousand eight hundred and forty-one inclusive.

Alteration of
Act.

LXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will truly administer Justice according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best

best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy?
13. Have you served in the Army, Marines, Ordnance, or Navy?

Note.—The Justice is directed in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

OATH to be taken by a RECRUIT enlisting.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as^d in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand

_____ { Signature of
the Recruit.
_____ Witness present.

Sworn before me at _____ this
Day of _____ One thousand eight }
hundred and _____

Signature of the Justice.

CERTIFICATE to be given by the JUSTICE.

Description of

Age, apparently		
Height	Feet	Inches.
Complexion,		
Eyes,		
Hair,		

Any distinctive Mark.

to wit. } I _____ one of Her Majesty's
Justices of the Peace of _____ do hereby
certify, That the above is the Description of the Recruit ;
and in my Presence all the foregoing Questions were put to the
said _____ ; that the Answers written opposite to
them are those which he gave to me; and that the Third,
Fourth, and Fifth Articles of the Second Section of the Rules
and Articles for the better Government of Her Majesty's Royal
Marine Forces while on shore, against Mutiny, and the First
Article of the Third Section of the said Rules and Articles,
against Desertion, were read over to him; that he took the
Oath of Allegiance and Fidelity; that he received the Sum
of _____ on being attested this Day; and that I
have given him a Duplicate of this Certificate, signed with my
Name.

Signature of the Justice.

**FORM of OATH to be taken by a MASTER whose Apprentice
has absconded.**

I, _____ of _____ do make Oath, That I am
by Trade a _____ and that _____ was
bound to serve as an Apprentice to me in the said Trade, by
Indenture dated the _____ Day of _____ for the
Term of _____ Years; and that the said _____ did
on or about the _____ Day of _____ last abscond
and quit my Service without my Consent; and that to the best
of my Knowledge and Belief the said _____ is aged
about _____ Years. Witness my Hand at
the _____ Day of _____ One thousand eight hundred
and _____

Sworn before me at this
Day of One thousand eight
hundred and }

**FORM of JUSTICE'S CERTIFICATE to be given to the Master of
an Apprentice.**

to wit. } I one of Her Majesty's Justices of the
Peace of certify, That
of came before me at the
Day of One thousand eight hundred and
and made Oath that he was by Trade a , and
that was bound to serve as an Apprentice to
him in the said Trade, by Indenture dated the Day
of for the Term of Years; and that the said
Apprentice did on or about the Day of abscond
and quit the Service of the said without his Consent,
and that to the best of his Knowledge and Belief the said
Apprentice is aged about Years.

Description Return of _____ committed to Confinement at _____ on the _____ Day of _____
as a Deserter from the Royal Marines.

Age.	Size.		Complexion.	Colour of.		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he * a Deserter from the before-mentioned Corps.

* I certify, that I have inspected the Prisoner, and consider him fit for active Service.

Signature and Address of Magistrate.

Signature of Prisoner.

Signature of Informer.

Signature of Surgeon.

* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

* Insert "is" or "is not," as the Case may be.

CAP. IX.

An Act to give summary Protection to Persons employed in the Publication of Parliamentary Papers.

[14th April 1840.]

‘ WHEREAS it is essential to the due and effectual Exercise and Discharge of the Functions and Duties of Parliament, and to the Promotion of wise Legislation, that no Obstructions or Impediments should exist to the Publication of such of the Reports, Papers, Votes, or Proceedings of either House of Parliament as such House of Parliament may deem fit or necessary to be published: And whereas Obstructions or Impediments to such Publication have arisen, and hereafter may arise, by means of Civil or Criminal Proceedings being taken against Persons employed by or acting under the Authority of the Houses of Parliament, or One of them, in the Publication of such Reports, Papers, Votes, or Proceedings; by reason and for Remedy whereof it is expedient that more speedy Protection should be afforded to all Persons acting under the Authority aforesaid, and that all such Civil or Criminal Proceedings should be summarily put an end to and determined in manner herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Person or Persons who now is or are, or hereafter shall be, a Defendant or Defendants in any Civil or Criminal Proceeding commenced or prosecuted in any Manner soever, for or on account or in respect of the Publication of any such Report, Paper, Votes, or Proceedings by such Person or Persons, or by his, her, or their Servant or Servants, by or under the Authority of either House of Parliament, to bring before the Court in which such Proceeding shall have been or shall be so commenced or prosecuted, or before any Judge of the same (if One of the Superior Courts at *Westminster*), first giving Twenty-four Hours Notice of his Intention so to do to the Prosecutor or Plaintiff in such Proceeding, a Certificate under the Hand of the Lord High Chancellor of *Great Britain*, or the Lord Keeper of the Great Seal, or of the Speaker of the House of Lords, for the Time being, or of the Clerk of the Parliaments, or of the Speaker of the House of Commons, or of the Clerk of the same House, stating that the Report, Paper, Votes, or Proceedings, as the Case may be, in respect whereof such Civil or Criminal Proceeding shall have been commenced or prosecuted, was published by such Person or Persons, or by his, her, or their Servant or Servants, by Order or under the Authority of the House of Lords or of the House of Commons, as the Case may be, together with an Affidavit verifying such Certificate; and such Court or Judge shall thereupon immediately stay such Civil or Criminal

Proceedings, Criminal or Civil, against Persons for Publication of Papers printed by Order of Parliament, to be stayed, upon Delivery of a Certificate and Affidavit to the Effect that such Publication is by Order of either House of Parliament.

Proceeding, and the same, and every Writ or Process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

Proceedings to be stayed when commenced in respect of a Copy of an authenticated Report, &c.

II. And be it enacted, That in case of any Civil or Criminal Proceeding hereafter to be commenced or prosecuted for or on account or in respect of the Publication of any Copy of such Report, Paper, Votes, or Proceedings, it shall be lawful for the Defendant or Defendants at any Stage of the Proceedings to lay before the Court or Judge such Report, Paper, Votes, or Proceedings, and such Copy with an Affidavit verifying such Report, Paper, Votes, or Proceedings, and the Correctness of such Copy, and the Court or Judge shall immediately stay such Civil or Criminal Proceeding, and the same, and every Writ or Process issued therein, shall be and shall be deemed and taken to be finally put an end to, determined, and superseded by virtue of this Act.

In Proceedings for printing any Extract or Abstract of a Paper, it may be shown that such Extract was *bonâ fide* made.

III. And be it enacted, That it shall be lawful in any Civil or Criminal Proceeding to be commenced or prosecuted for printing any Extract from or Abstract of such Report, Paper, Votes, or Proceedings, to give in Evidence under the General Issue such Report, Paper, Votes, or Proceedings, and to show that such Extract or Abstract was published *bonâ fide* and without Malice; and if such shall be the Opinion of the Jury a Verdict of Not guilty shall be entered for the Defendant or Defendants.

Act not to affect the Privileges of Parliament.

IV. Provided always, and it is hereby expressly declared and enacted, That nothing herein contained shall be deemed or taken, or held or construed, directly or indirectly, by Implication or otherwise, to affect the Privileges of Parliament in any Manner whatsoever.

CAP. X.

An Act to authorize the Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor. [14th April 1840.]

57 G. 3. c. 34.

57 G. 3. c. 124.

1 G. 4. c. 60.

‘ WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor* in Great Britain, in manner therein mentioned: And whereas another Act was passed in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor*: And whereas another Act was passed in the First Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King George the Third*

' for authorizing the Issue of Exchequer Bills and the Advance of
 ' Money for carrying on of Public Works and Fisheries and Em-
 ' ployment of the Poor, and to extend the Powers of the Commis-
 ' sioners for executing the said Acts in Great Britain: And whereas
 ' another Act was passed in the First and Second Years of the
 ' Reign of His said Majesty, intituled *An Act to empower the* 1 & 2 G. 4.
 ' Commissioners in Great Britain for the Execution of several Acts c. 111.
 ' for authorizing the Issue of Exchequer Bills for carrying on the
 ' Public Works and Fisheries and Employment of the Poor, to extend
 ' the Time for the Payment of certain Advances under the said Acts:
 ' And whereas another Act was passed in the Third Year of
 ' the Reign of His said Majesty, intituled *An Act to amend Two* 3 G. 4. c. 36.
 ' Acts, of the Fifty-seventh Year of His late Majesty and the First
 ' Year of His present Majesty, for authorizing the Issue of Exche-
 ' quer Bills and the Advance of Money for carrying on Public
 ' Works and Fisheries and Employment of Poor, and to authorize
 ' a further Issue of Exchequer Bills for the Purposes of the said
 ' Acts: And whereas another Act was passed in the Fourth
 ' Year of the Reign of His said Majesty, intituled *An Act to* 4 G. 4. c. 63.
 ' authorize the Advance of Money by the Commissioners under
 ' several Acts for the Issue of Exchequer Bills for Public Works, for
 ' the building, rebuilding, enlarging, or repairing of Gaols in Eng-
 ' land: And whereas another Act was passed in the Fifth Year
 ' of the Reign of His said Majesty, intituled *An Act to amend* 5 G. 4. c. 36.
 ' and render more effectual the several Acts for the issuing of Ex-
 ' chequer Bills for Public Works: And whereas another Act was
 ' passed in the same Year, intituled *An Act to amend the Acts for* 5 G. 4. c. 77.
 ' the Issue of Exchequer Bills for Public Works: And whereas
 ' another Act was passed in the Sixth Year of the Reign of
 ' His said Majesty, intituled *An Act to render more effectual the* 6 G. 4. c. 35.
 ' several Acts for authorizing Advances for carrying on Public
 ' Works, so far as relates to Ireland: And whereas another Act
 ' was passed in the Seventh Year of the Reign of His said
 ' Majesty, intituled *An Act to amend the several Acts for authorizing* 7 G. 4. c. 30.
 ' Advances for carrying on Public Works, and to extend the Provi-
 ' sions thereof in certain Cases: And whereas another Act was
 ' passed in the Seventh and Eighth Years of the Reign of His
 ' said Majesty, intituled *An Act to amend an Act of the First* 7 & 8 G. 4. c. 12.
 ' Year of His present Majesty, for the Advance of Money for carry-
 ' ing on Public Works in Ireland: And whereas another Act was
 ' passed in the same Year, intituled *An Act for the further* 7 & 8 G. 4. c. 47.
 ' Amendment and Extension of the Powers of the several Acts
 ' authorizing Advances for carrying on Public Works: And
 ' whereas another Act was passed in the First and Second Years
 ' of the Reign of His late Majesty King William the Fourth, in-
 ' tituled *An Act to amend several Acts passed for authorizing the* 1 & 2 W. 4. c. 24.
 ' Issue of Exchequer Bills and the Advance of Money for carrying
 ' on Public Works and Fisheries and Employment of the Poor, and
 ' to authorize a further Issue of Exchequer Bills for the Purposes of
 ' the said Acts: And whereas another Act was passed in the
 ' Third and Fourth Years of the Reign of His said late Majesty,
 ' intituled *An Act to amend several Acts authorizing Advances for* 3 & 4 W. 4. c. 32.
 ' carrying

4 & 5 W. 4. c. 72.

7 W. 4. &

1 Vict. c. 51.

1 & 2 Vict. c. 88.

Her Majesty
may authorize
the Commis-
sioners of the
Treasury to
issue Exche-
quer Bills not
exceeding
1,200,000*l*.

48 G. 3. c. 1.

Powers of
recited Act
48 G. 3. c. 1.
to extend to
Exchequer
Bills to be
made out under
this Act.

‘*carrying on Public Works*: And whereas another Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to amend several Acts for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto*: And whereas another Act was passed in the First and Second Years of the Reign of Her said present Majesty, intituled *An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto*: And whereas sundry Advances have been made by the Commissioners appointed by the said recited Acts for the Purposes thereof, and Applications have been made, and are by several Acts authorized to be made, to the said Commissioners for other Advances which the Funds remaining at their Disposal are insufficient to meet, and it is therefore expedient that further Advances of Exchequer Bills should be placed at the Disposal of the said Commissioners for the Purposes of the said recited Acts, or of any other Acts relating thereto:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Queen’s most Excellent Majesty, by Warrant or Warrants under Her Royal Sign Manual, to authorize the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland* for the Time being, to cause or direct any Number of Exchequer Bills to be made out at Her Majesty’s Exchequer in *Great Britain*, not exceeding in the whole the Sum of One million two hundred thousand Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in any of the said recited Acts or this Act), as in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

II. And be it enacted, That all the Powers, Authorities, Regulations, Clauses, Provisoos, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of His said Majesty King *George* the Third, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoos

visoes had been particularly repeated and re-enacted in the Body of this Act.

III. And be it enacted, That the said Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Money contained therein.

Bills to bear an Interest not exceeding $3\frac{1}{2}$ d. per Cent. ;

IV. And be it enacted, That the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled after the respective Days on which they shall become due and payable, shall after that Time pass and be current to all Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever due or payable to Her Majesty, Her Heirs or Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any Person or Persons, Bodies Politic or Corporate whatsoever, making any Payments there to Her Majesty, Her Heirs and Successors.

and to be current to all Receivers, &c. and at the Bank.

V. And be it enacted, That all Exchequer Bills which at any Time after the passing of this Act shall be made out and issued in pursuance of this Act, and advanced for any of the Purposes mentioned in the said recited Acts or any of them, or in this Act, shall be dated and made payable at such Periods as shall be fixed by the Commissioners of Her Majesty's Treasury.

Treasury to fix Periods at which such Exchequer Bills shall be payable ;

VI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to order and direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* of all Exchequer Bills issued under the Authority of this Act.

and to order Payment of them out of the Consolidated Fund.

VII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the Time being, and they are hereby authorized and required, to issue and advance, or cause to be issued and advanced, all such Sums of Money to such Person or Persons and in such Manner and in such Proportions as the Commissioners for the Execution of the said recited Acts and this Act, or any Three or more of them, shall by Writing under their Hands desire, out of the said Consolidated Fund, which Sums so to be issued and advanced shall be employed for the Payment of Allowances and defraying all Charges and Expences in the Execution of the said recited Acts and this Act, without any other Account than before the said Commissioners of Her Majesty's Treasury, and which Money so to be issued shall not be subject to any Tax, Duty, Rate, or Assessment whatsoever imposed by Authority of Parliament.

Commissioners of the Treasury to issue Money to defray the Charges of executing recited Acts and this Act.

VIII. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners, for the Execution of the said recited Acts, under

Bank to continue the Account already opened with the Commissioners for

executing re-
cited Acts.

under the Title of "The Commissioners for the Issue of certain Exchequer Bills," and shall carry to the Credit of such Account the several Monies directed to be paid to the Cashiers of the said Bank by the said recited Acts, as well as all Payments to be made under this Act, upon such Certificates under the Hands of the said Commissioners as have been heretofore used for such Purpose as directed by the said recited Acts, or some or one of them, in such and the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act.

Money paid
into Bank to
make Part of
the Consoli-
dated Fund.

IX. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners under and by virtue of the said recited Acts and this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Commissioners
for executing
recited Acts
to be Commis-
sioners for exe-
cuting this Act.

X. And be it enacted, That the several Persons who in and by the said recited Acts, or any of them, are named or constituted Commissioners for the Execution of the said Acts or so many of them as shall be living at the Time of the passing of this Act, shall be and they and all future Parties so constituted are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners
to sign the
following De-
claration.

XI. And be it enacted, That the said Commissioners named or constituted in and by the said recited Acts, or either of them, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect :

' I *A. B.* do declare, That according to the best of my Judgment
' I will faithfully and impartially execute the several Duties,
' Powers, and Trusts vested in me by an Act, intituled [*insert*
' *Title of this Act*], according to the Tenor and Purport of the
' said Act, the Acts therein recited, and other Acts having
' reference thereto.'

And that such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of
Exchequer
Bills advanced
to be certified
to the Comp-
troller General
of the Exche-
quer.

XII. And be it enacted, That when the Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Exchequer Bills to be advanced out of the Exchequer Bills authorized to be made out by this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Comptroller General of Her Majesty's Exchequer at *Westminster* for the Time being, who, on such Certificate or Certificates being deposited in his Office, shall cause and direct to be delivered to the Bearer

or

or Bearers thereof Exchequer Bills to be prepared under the Authority of this Act to such Amount as the said Commissioners shall direct, provided the total Amount to be issued by virtue of such Certificates shall not at any Time exceed the Amount of Exchequer Bills authorized by this Act; and every Exchequer Bill to be issued by virtue of this Act shall and may be signed by the Comptroller General of Her Majesty's Exchequer, or in his Name by any Person duly authorized by Law to sign the same.

XIII. And be it enacted, That the Officers by whom such Exchequer Bills shall be delivered shall from Time to Time, upon Requisition of the said Commissioners for the Execution of the said recited Acts and this Act, deliver to them at their Office complete Lists of all the Exchequer Bills made out as aforesaid, specifying the respective Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Person to whom and the Numbers of the Certificates by virtue whereof the same were issued respectively.

List of Exchequer Bills made out to be delivered to Commissioners.

XIV. And be it enacted, That it shall be lawful for the said Commissioners to receive Applications for any Loan or Loans, and to make such Loans accordingly, of any Part of the Exchequer Bills hereby authorized to be issued to any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies in the *Isle of Man*, for all such and the same or the like Purposes, and upon such or the like Securities, and under and subject to such and the same Rules, Regulations, Restrictions, Conditions, and Provisions as the said Commissioners are empowered to do by the said recited Acts or this Act, with respect to Loans or Advances to Persons, Bodies Politic or Corporate or Companies for public or other Works in *Great Britain*; and that the said Commissioners, and their Secretary for the Time being, shall have, exercise, and be entitled to all such and the same or the like Powers, Authorities, Rights, and Remedies for recovering and compelling the Repayment of such Loans or Advances, and the Interest thereof, or otherwise in relation thereto, or to the Securities for the same, as they respectively would have had or been entitled to under the said recited Acts and this Act in case such Loans or Advances had been made to any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, or otherwise for public or other Works, in any Part of *Great Britain*; any Statute, or any Rule of Law or Equity, of *Great Britain* or of the said *Isle of Man*, or any Custom, to the contrary thereof in anywise notwithstanding.

Commissioners may grant Loans to any Persons or Companies in the *Isle of Man*, under the Conditions contained in the recited Acts.

XV. And be it enacted, That the said Commissioners may lend and advance, to and amongst any Body or Bodies Politic or Corporate, or any Company or Companies of Proprietors, or Person or Persons, engaged in or desirous of carrying on or interested in any Works of a public Nature, carried on or which may hereafter be carried on under the Authority of Parliament, or for the Encouragement of the Fisheries, or the

Commissioners may make Advances to Parties engaged in Public Works, &c.

Support

Support of any Collieries or Mines, or any Trustees or Trustee of Roads or Railways, or any other Person or Persons whomsoever, for any of the Purposes mentioned in the said recited Acts, or any or either of them, or this Act, all or any Part of the Sum or Sums, in Exchequer Bills, to be issued at any Time after the passing of this Act, under the Authority of this Act, or any Act or Acts having any relation thereto, upon, under, and subject to the like Terms, Conditions, and Securities, or any or either of them, as are specified and prescribed by the said recited Acts, or any or either of them, or this Act, or any Act or Acts having relation thereto; and all the Powers and Authorities, Regulations, Restrictions, Clauses, Provisions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or this Act, or any Act or Acts having relation thereto, shall be applied and extended to all Loans advanced and Acts done by the said Commissioners or their Secretary for the Time being, or any Trustees, or other Persons or Bodies Politic, Corporate, or Collegiate, or Companies, in pursuance and execution of this Act, as fully and effectually to all Intents or Purposes as if the said several Powers, Authorities, Regulations, Restrictions, Clauses, and Provisions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally and separately repeated and re-enacted in the Body of this Act, except only so far as the same are altered, amended, or enlarged by this Act.

Powers, &c. of
recited Acts
as to Advances
to have the
same Force as
if re-enacted in
this Act.

XVI. And be it enacted, That all the Clauses, Powers, Provisions, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts, or any of them, in relation to any Advances made or to be made under the said recited Acts, or any of them, or this Act, or for the Recovery, Repayment, and Application of such Advances, and the Repayment thereof, and the Accounts to be kept in relation thereto, shall extend and are hereby extended and made applicable to the said Commissioners, and all other Persons, Parties, Bodies Politic or Corporate, in respect to all Advances which shall be made by the said Commissioners, and all Acts done and directed by the Commissioners of Her Majesty's Treasury, or the said Commissioners for executing this Act and the said recited Acts, or either of them, under the Authority of the said recited Acts and this Act, or any or either of them, and the Recovery, Repayment, and Application of such Advances, and of all Accounts in respect of the same, in such and the like Manner, to all Intents, Constructions, and Purposes whatsoever, as if such Clauses, Powers, Provisions, Directions, Regulations, Authorities, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures had been particularly and severally repeated and re-enacted in the Body of this Act, except only so far as the same are amended, extended, or altered by this Act.

Alteration of
Act.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XI.

An Act to settle an Annuity on Lord *Seaton* and the Two next surviving Heirs Male of the Body of the said Lord *Seaton* to whom the Title of Lord *Seaton* shall descend, in consideration of his important Services.
[19th May 1840.]

Most Gracious Sovereign,

WHEREAS Your Majesty, by Your most gracious Message, hath been pleased to signify that Your Majesty, having taken into consideration the important Services rendered by *John Lord Seaton*, a Lieutenant General in Your Majesty's Army, and late Governor General of *Upper* and *Lower Canada*, in the Course of the Events which have taken place in those Provinces, and being desirous to confer some signal Mark of Your Majesty's Favour for these and other distinguished Merits upon the said *John Lord Seaton*, and the Two next surviving Heirs Male of the Body of the said *John Lord Seaton*, recommends to Your faithful Commons the Adoption of such Measures as may be necessary for the Accomplishment of this Purpose: Therefore We, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, duly considering Your Majesty's gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an annual Payment or Annuity of Two thousand Pounds shall be paid to *John Lord Seaton*, a Lieutenant General in Her Majesty's Army, and late Governor General of *Upper* and *Lower Canada*, for his natural Life, and to the Two next surviving Heirs Male of the Body of the said *John Lord Seaton* who may succeed to the Title of Lord *Seaton*, for their natural Lives respectively; and the said annual Payment or Annuity shall be deemed and considered to have commenced and taken effect upon the Twenty-third Day of *March* One thousand eight hundred and forty, and the first Payment of a proportionate Part thereof, together with the Quarter ending on the Fifth Day of *July*, shall be made on the Fifth Day of *July* One thousand eight hundred and forty, and shall thereafter be paid quarterly, (that is to say,) on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July* in every Year; and the said annual Payment or Annuity shall and may be issuing and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* (after paying or reserving sufficient to pay all such Sum and Sums of Money as hath or have been directed to be paid out of the same by any former Act or Acts of Parliament, but with Preference to all

An Annuity of 2,000*l.* granted to Lord *Seaton* and his Two next Heirs.

other Payments which shall or may hereafter be charged upon and payable out of the said Fund); and the Acquittance or Acquittances, Receipt or Receipts of the said *John Lord Seaton* and the Two succeeding Heirs Male of the Body of the said *John Lord Seaton* on whom the Title shall descend, or of such other Person or Persons as shall be duly authorized and appointed by the Person for the Time being entitled to such Annuity to receive such annual Payment or Annuity, or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof; and the said annual Payment or Annuity shall be free and clear from all Taxes, Rates, and Assessments, and all other Charges whatsoever.

Treasury to
direct Payment
of the Annuity.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby authorized and required, by any Warrant under their Hands, to direct the Payment of the said Annuity according to the Provision herein-before contained.

Annuity not to
be aliened or
encumbered.

III. And be it enacted, That the said annual Payment or Annuity of Two thousand Pounds shall be and the same is by this Act vested in the said *John Lord Seaton* and the Two next succeeding Heirs Male of the Body of the said *John Lord Seaton* to whom the said Title of *Lord Seaton* shall descend, and the same or any Part thereof shall not at any Time or Times hereafter be aliened, conveyed, disposed, charged, or encumbered by the said *John Lord Seaton*, or by either of the Two next succeeding Heirs Male of the Body of the said *John Lord Seaton* on whom the said Title shall descend, for any greater or larger Estate or Time than during the natural Life of the Person so aliening, conveying, disposing, charging, or encumbering the same, so as to prevent the same from descending to the next or succeeding Heir Male of the Body of the said *John Lord Seaton* to whom the said Title of *Lord Seaton* shall descend, according to the Limitation aforesaid.

CAP. XII.

An Act for raising the Sum of Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty.

[19th May 1840.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty's most dutiful and loyal Subjects, the
‘ Commons of the United Kingdom of *Great Britain* and
‘ *Ireland* in Parliament assembled, towards raising the necessary
‘ Supplies which we have cheerfully granted to Your Majesty
‘ in this Session of Parliament, have resolved to give and grant
‘ unto Your Majesty the Sum herein-after mentioned;’ and do
‘ therefore most humbly beseech Your Majesty that it may be
‘ enacted; and be it enacted by the Queen's most Excellent
‘ Majesty, by and with the Advice and Consent of the Lords
‘ Spiritual

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for regulating the Issue and paying off of Exchequer Bills*.

Treasury may raise 11,000,000*l.* by Exchequer Bills in like Manner as is prescribed by 48 G. 3. c. 1.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

III. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

The Treasury to apply the Money raised.

IV. And be it enacted, That the principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of any Supplies to be granted in the next Session of Parliament.

Bills to be payable out of Supplies of the next Session.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of Her Majesty's Exchequer at *Westminster*.

Interest on Exchequer Bills.

VI. And be it enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall and may, from and after Twelve Calendar Months from their respective Dates, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or

Bills to be current at the Exchequer after Twelve Calendar Months from their Dates.

Persons, Bodies Politic or Corporate whatsoever; making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

Bank of England may advance 11,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VII. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act to the contrary thereof in anywise notwithstanding.*

CAP. XIII.

44565 An Act to amend an Act of the First and Second Years of the Reign of Her present Majesty, to abolish Compositions for Tithes in *Ireland*, and to substitute Rent-charges in lieu thereof. [19th May 1840.]

1 & 2 Vict. c. 109.

‘ WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*; and it is expedient to amend the said Act: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Petition to be presented under the said Act by Her Majesty’s Attorney General for *Ireland* to the Court of Chancery or Exchequer in *Ireland*, or to the Court of any Assistant Barrister or Chairman, for the Recovery of any Arrears of Tithe Composition vested in Her Majesty under and by the Operation of the Provisions of the said Act, it shall be lawful to include all or any Two or more of the Persons in default who shall be named and distinguished in the Schedule annexed to any Memorial for Relief presented to the Lord Lieutenant and Privy Council in *Ireland* under the said Act as having such Estates or Interests as in the said Act described in the Lands charged with any Composition due and in arrear; and that the Court to which any such Application may be made by Petition may from Time to Time proceed thereon as against any One or more of the Persons therein named as Defaulters who may appear to have had due Notice thereof, although such Notice may

Any Petition under the recited Act may include all or any Two or more Persons in default named in the Schedule to any Memorial for Relief presented under that Act; and the Court may proceed thereon as to any who may appear to have had due Notice.

may not be proved to have been given to any other or others of the Persons named therein.

II. And be it enacted, That every Order of either of the said Courts of Chancery or Exchequer respectively made upon any Petition, under the Provisions of the said Act or of this Act, shall have, without Enrolment, the Force and Effect of a Decree, and shall be enforced by such Writ of Execution or other Process as might be sued or issued to enforce any final Decree or Order of either of the said Courts; and every Order made by any Assistant Barrister on any such Petition preferred to him shall and may be enforced, and the Amount thereof levied, by all such Process as may be employed to enforce or carry into execution any Decree pronounced or made upon any Proceeding by Civil Bill by any such Assistant Barrister or Chairman under or by virtue of any Statute heretofore made, or by any of the Means in force before the passing of the said Act, for the Recovery of Tithe Composition.

Order of Court to have Effect of a Decree without Enrolment.

III. And be it enacted, That in the Case of any Petition presented by the Attorney General to any Assistant Barrister or Chairman under the said Act, the Period of Notice of such Petition required by the said Act shall be computed to be Fourteen Days before the Commencement of the General or Quarter Sessions at which such Petition is intended to be preferred for the Division in which the Person in default shall reside; any thing in the said Act contained to the contrary notwithstanding.

What shall be the Period of Notice of proceeding before the Assistant Barrister.

IV. 'And whereas it is desirable to make Provision for the final Distribution and Dividend of the Relief Fund provided by the said Act, without waiting the Termination of the Proceedings which may be taken by the said Attorney General, and for that Purpose it is necessary to ascertain and determine, within a reasonable Time, in what Cases only such Proceedings may or should be taken: And whereas several Persons who presented Memorials for Relief to the said Lord Lieutenant and Privy Council of *Ireland* under the said Act have, since Orders have been made thereupon by the said Lord Lieutenant and Privy Council, represented that they had erroneously returned therein Arrears of Tithe Composition as owing to them by Persons having such Estates or Interests in the Lands subject thereto as made such Persons liable to be sued for the same by Her Majesty's Attorney General, pursuant to the Provisions of the said Act;' be it therefore enacted, That it shall be lawful for any Person who has presented any such Memorial under the said Act to lodge with the Clerks of Her Majesty's Privy Council in *Ireland*, within One Month from the passing hereof, a Statement of Errors, signed by him, of any Arrears which may have been so erroneously returned by him in the said Memorial, and of his Reasons for believing that such Error has been committed in the said Memorial; and it shall be lawful for the said Lord Lieutenant of *Ireland* in Council to cause the said Memorial

Lord Lieutenant of Ireland in Council, upon a Statement of erroneous Return of Arrears, may revise and correct the same.

and Statement to be revised in such Manner as shall seem proper, and after such Revision to cause the Memorial to be corrected as may be found necessary, and to declare the Memorialist entitled to receive such Dividend upon any Monies originally returned by him as due by Persons having such Estates or Interests as aforesaid as he would have been entitled to had not such Errors been committed by him, and the Memorialist shall receive such Dividend accordingly; and it shall be lawful to and for the Lord Lieutenant of *Ireland* in Council, after the Expiration of the said Period of One Month, and on such Correction of such Memorial or Memorials, to direct that so much of the Relief Fund created by the said Act as shall be deemed necessary for the Purpose shall be retained and set apart to provide for the Payment of the Costs, Charges, and Expences attendant on the Revision of the said Memorial or Memorials, and of any Costs which may be incurred in the Proceedings to be taken by the said Attorney General, and which may not be recoverable or recovered from the Defendants in such Proceedings, or payable out of any Sum thereby recovered, and to direct that the Residue of the said Relief Fund shall be forthwith paid over to and distributed among the several Memorialists rateably and in proportion to the respective Sums found to have been payable to them by Persons not having such Estates or Interests; and the said Lord Lieutenant shall thereupon certify to the Commissioners of Her Majesty's Treasury the proportionate Sum so payable to each Memorialist, and they shall give the necessary Directions for the Payment thereof accordingly; and if the Sum which shall be so retained and set apart for defraying such Costs and Charges as aforesaid shall be found more than sufficient for that Purpose, the Balance thereof shall be paid over to the Lord Primate of *Ireland* and the Venerable the Archdeacon of *Armagh*, to the end that the same may be applied by them as they may think fit for the Benefit of the Widows and Orphans of deceased Clergymen of the Established Church in *Ireland*.

Interpretation
Clause.

V. And be it enacted, That the Provisions made by the said Act for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act; and that by the Expression "Relief Fund" shall be understood the Monies paid or payable to the Credit of the Account opened at the Bank of *Ireland*, and entitled "The Tithe Arrear Account," pursuant to the Provisions of the said Act.

Act may be
altered this
Session.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XIV.

An Act to continue for One Year, and to the End of the next Session of Parliament, the Acts for the Relief of Insolvent Debtors in *Ireland*.

[19th May 1840.]

‘ WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Relief of Insolvent Debtors in Ireland*, to continue in force for a certain Time therein limited; and the said Act was amended by another Act passed in the Third Year of the same Reign, and both said Acts were continued by another Act made in the Seventh and Eighth Years of the same Reign: And whereas another Act was made in the Tenth Year of the same Reign, whereby the said recited Acts of the First and Second and Third Years of the same Reign were amended and further continued; and the same, so amended, were by an Act made in the First Year of the Reign of His late Majesty King *William* the Fourth further continued; and the same, so amended, were by another Act made in the Second Year of the Reign of His said late Majesty King *William* the Fourth further continued: And whereas by another Act made in the First and Second Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to improve the Administration of Justice in Ireland*, certain Provisions of the said recited Act of the First and Second Years of the Reign of His said late Majesty King *George* the Fourth were repealed, and certain other Provisions were made, and certain Persons declared, in certain Cases therein specified, to be entitled to the Benefit of the Acts for the Relief of Insolvent Debtors in *Ireland*: And whereas by another Act made in the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth the said recited Acts were continued for One Year from the passing of the said last-mentioned Act of the Fourth and Fifth Years of the Reign of His said late Majesty King *William* the Fourth, and until the End of the then next Session of Parliament: And whereas by another Act made in the Sixth and Seventh Years of the Reign of His said late Majesty King *William* the Fourth the said recited Acts were further continued for Three Years from the passing of the said Act of the Sixth and Seventh Years of His said late Majesty, and until the End of the then next Session of Parliament: And whereas it is expedient that the said Acts should be further continued:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the First

1 & 2 G. 4.
c. 59.

1 & 2 W. 4.
c. 31.

The several Acts herein mentioned, relating to the Relief of Insolvent Debtors, with certain Exceptions, continued.

Act may be altered this Session.

and Second Years of the Reign of His said late Majesty King *George* the Fourth, as the same is amended by the said recited Acts of the same Reign, and save and except as any Provisions thereof may be repealed, or other Provisions substituted for the same by the said recited Acts of the Reign of His said late Majesty King *William* the Fourth, shall be continued; and the said recited Acts of the First and Second, Third, and Tenth Years of the Reign of His said late Majesty King *George* the Fourth, and such Parts of the said recited Act of the First and Second Years of the Reign of His said late Majesty King *William* the Fourth as relate to the Law for the Relief of Insolvent Debtors, shall be and the same are hereby continued for One Year from the passing of this Act, and thenceforth until the End of the next Session of Parliament.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XV.

An Act further to explain and amend the Acts for the Commutation of Tithes in *England* and *Wales*.

[4th June 1840.]

6 & 7 W. 4.
c. 71. s. 67.

7 W. 4. &
1 Vict. c. 69.
s. 11.

2 & 3 Vict.
c. 62. s. 10.

‘ WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Commutation of Tithes in England and Wales*, it is enacted, that from the First Day of *January* next following the Confirmation of any Apportionment in any Parish under the said Act, the Lands of such Parish shall be absolutely discharged from Tithes, except as in the said Act is provided in certain Cases, and instead thereof there shall be payable to the Person entitled to such Tithes, and in that Behalf mentioned in the said Apportionment, a Sum of Money in the Nature of a Rent-charge issuing out of the Lands charged therewith; and by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend an Act for the Commutation of Tithes in England and Wales*, Provision is made for the Lands in a Parish being discharged from Tithes (except as in the said first-recited Act is excepted) by Agreement between the Parties to any Parochial Agreement or Supplemental Agreement, from certain Days preceding or following the Confirmation of the Apportionment, instead of the said First Day of *January* next following such Confirmation, but so that the first Payment of the Rent-charge be made and recoverable at the Expiration of Six Calendar Months from the Time from which such Lands are discharged from the Payment of Tithes; and by an Act passed in the last Session of Parliament, the Commissioners appointed under the said first-recited Act are enabled by their Award, and the Land Owners and Tithe Owners by Supplemental Agreement, in like Manner to fix the

the Period at which any Rent-charge shall commence: And whereas after an Agreement for or Award of Rent-charge has been made and confirmed by the said Commissioners, much Delay is often occasioned in settling and adjusting the Apportionment before the same can be confirmed by the Commissioners; and, to avoid the Loss of the Proportion of Tithes or Composition for the Period intervening between the Expiration of any former Agreement or Composition and the Commencement of such Rent-charge, the Tithe Owner is compelled to have recourse to taking Tithes in Kind, or to a Suit in Equity; and in other Cases, by reason of the Lands so remaining subject to Tithes, or Composition for Tithes, during such Period, such Tithes continue to be taken in Kind, or may be so taken on the Determination of any Commission existing at the Date of such Agreement or Award, notwithstanding that the Parties have agreed for, or the Commissioners awarded, the Sum which under the Provisions of the said Acts ought to be taken as the permanent Rent-charge payable instead of such Tithes; and great Hardship is thereby occasioned, contrary to the Spirit and Intent of the said Acts: And whereas it is expedient to make Provision for Remedy thereof, and otherwise to explain and amend the said recited Acts, in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case where an annual Sum by way of Rent-charge shall have been fixed in any Parish, instead of the Tithes of such Parish, either by Agreement or Award, it shall be lawful for the said Commissioners, by a Declaration in Writing under their Hands and Seal of Office, or the Hands of any Two of them, at any Period after the Confirmation of any such Agreement or Award respectively, and before the Confirmation of the Apportionment to be made in respect of the Rent-charge so fixed, upon the Application in Writing of any Land Owner or Occupier, and upon such Security being given to the said Commissioners as they shall in their Discretion think sufficient for the due Payment to the Parties entitled thereto of such Rent-charge from the Day to be fixed in such Declaration, to declare that the Lands in such Parish shall be discharged from the Liability to Payment or Render of Tithes, or Composition or Rent in the Nature thereof instead of Tithes, and that instead thereof the annual Payment or Rent-charge so fixed by any such Award or Agreement respectively shall be paid to the Person entitled to the same by half-yearly Payments, commencing and calculating from such Day of Discharge named in such Declaration as aforesaid: Provided always, that the Day to be fixed in such Declaration of the said Commissioners as aforesaid shall, in every Case in which any Agreement for a Composition or Rent in the Nature thereof instead of Tithes shall be in force at the Time of making such Application to them as aforesaid, be the Day

Power to declare Lands discharged from Tithes in certain Cases after Confirmation of the Award or Agreement for gross Rent-charge.

As to the Time of commencing such Rent-charge.

Intermediate
Payments, &c.
to be deducted.

Day on which such Composition or Rent shall determine, and in every other Case shall be either the First Day of *January*, the First Day of *April*, the First Day of *July*, or the First Day of *October*, either before or after the Day on which the Agreement or Award fixing the Amount of such Rent-charge shall bear Date, as to the said Commissioners shall appear most just and equitable: Provided also, that when such Period of Discharge shall have been fixed to take effect from any of such Days preceding the Date of such Agreement or Award, the said Commissioners shall cause due Inquiry to be made, and shall allow and deduct from the first Payment to be made under such Security the Value of any Tithes which shall have been rendered in Kind, and the Amount of any Payment in respect of Tithes, or Composition or Rent as aforesaid, which shall have been made between such Day and the Date of such first Payment of Rent-charge.

Leases of Tithes
granted before
25th March
not to be
affected by this
Act.

II. Provided also, and be it enacted, That nothing in this Act shall extend or be construed to extend to annul or make void any Lease or Leases of Tithes granted before the Twenty-fifth Day of *March* and which shall end or determine on or before the First Day of *January* next; and that in any Parish or Place where such Lease or Leases shall have been granted as aforesaid, no Tithe Payer shall be at liberty to make the Application hereby authorized to be made, until after the Expiration of such Lease or Leases respectively, except in respect of Lands the Tithes whereof are not included in such Lease.

Notice of De-
claration to be
published.

III. And be it enacted, That the said Commissioners shall, within Ten Days after the Receipt of such Application, cause Notice thereof to be given to the Tithe Owner to whom such Rent-charge will be payable, and shall cause Notice of such Declaration to be twice published in some Newspaper having Circulation in the County where such Parish is situated within Twenty-one Days from the Date of such Declaration, and from and after the Expiration of such Twenty-one Days all the Provisions of the said recited Acts applicable to the Rent-charge payable after the Confirmation of the Apportionment shall be applicable to the Rent-charge payable by virtue of the Provisions herein-before contained from the Period fixed by any such Declaration.

Provision for
Land Owner
paying esti-
mated Pro-
portion of Rent-
charge in aid of
Security.

IV. And be it enacted, That if any Owner of Lands so discharged from such Liability shall be desirous of paying, in exoneration of such Security, the Proportion of Rent-charge to which the whole of such Lands, whether in his own Occupation or in the Occupation of any Tenant, shall be liable, it shall be lawful for such Owner to apply in Writing to the Valuer or Valuers appointed to apportion such Rent-charge, at any Time after they shall have subscribed the Declaration required in that Behalf in the said first-recited Act, and before the Confirmation of the Apportionment, and to demand of such Valuer or Valuers a Statement of the probable Amount of such Proportion, and such Valuer or Valuers shall and he or they is or are hereby required to furnish the same accordingly, and shall distinguish

distinguish therein the probable Amount to which the whole of the Lands in the Occupation of any Tenant under such Owner would be liable; and on Receipt thereof such Owner may cause a Copy of such Statement, or an Extract of such Parts thereof as shall relate to the Lands in the Occupation of any Tenant, who, but for such Declaration of Discharge, would be liable to the Render or Payment of Tithe in respect of such Lands, to be served on such Tenant by leaving the same at his usual Place of Abode, with an Undertaking subscribed thereto by such Owner to pay the Amount set forth in such Statement in aid or exoneration of such Security; and in every such Case such Tenant shall thenceforward be liable to pay to such Owner, by way of additional Rent, such estimated Proportion at the half-yearly Days of Payment fixed in the Award or Agreement for Payment of Rent-charge; and such Owner shall be entitled to demand and recover the same as Rent by all the usual Remedies for Recovery of Rent in arrear, until the half-yearly Payment falling due next after the Confirmation of the Apportionment: Provided always, that it shall be lawful for any such Land Owner or Tenant, at any Time within Six Months after the Date of such Confirmation, to apply to the said Commissioners to take an Account of the Amount paid by any such Tenant, and certify the Amount of the Difference, if any, between the Amount so paid and the Amount of Rent-charge calculated as finally apportioned on such Lands for the same Period as such estimated Amount has been paid, and if the Rent-charge finally apportioned shall be greater than the Amount so paid it shall be lawful for such Owner to demand and recover the Difference accordingly; but if such Tenant shall have paid more than the Amount of such Rent-charge, then it shall be lawful for such Tenant, or (in case of his Death) for his Executors or Administrators, to deduct the Excess so verified as aforesaid from the next Payment of Rent accruing after the Date of such Certificate: Provided also, that in the event of the Expiration or other sooner Determination of the Period of Tenancy before the Confirmation of the Apportionment such Excess shall be deemed a Debt due to the Tenant, his Executors or Administrators, and shall be recoverable in an Action of Debt to be brought against such Land Owner as aforesaid, or his personal Representatives.

V. And be it enacted, That in every such Case the Production of such Certificate as aforesaid, or of an Office Copy thereof sealed or stamped with the Seal of the said Commissioners, shall be sufficient Evidence of the Right to recover or retain the Amount of Excess in Payment which shall appear by such Certificate to have been made by the Land Owner or his Tenant respectively.

Certificate of Commissioners to be Evidence of Right of Recovery or Retainer.

VI. And whereas it may happen that a Tenant, being an Occupier of Lands, who shall, by virtue of the Provisions of the said first-recited Act, be entitled to deduct the Amount of any Rent-charge from the Rent payable by him to his Landlord, may be desirous of paying, in exoneration of such Security

Provision for occupying Tenant paying (in the Place of his Landlord) estimated Proportion of Rent-

charge in aid of
Security.

'rity as aforesaid, the Proportion of Rent-charge to which the Lands in his Occupation shall be liable;' be it enacted, That, upon the Application in Writing of any such Tenant, the Valuer or Valuers shall, in like Manner as aforesaid, furnish to such Tenant a Statement of the probable Amount of such Proportion of Rent-charge as aforesaid, and on Receipt thereof the Tenant may cause a Copy of such Statement to be served on his Landlord by leaving the same at his usual Place of Abode, accompanied by a written Notice of his Intention to undertake the Payment of such Proportion of Rent-charge as aforesaid; and in case the Land Owner shall not, within Twenty-one Days after the Service of such Copy and Notice, undertake, by some Writing subscribed by him, or his Agent lawfully authorized, and served in like Manner as aforesaid upon the Tenant, to pay the Amount set forth in such Statement, it shall be lawful for the Tenant to undertake the Payment thereof, and from Time to Time to deduct the Amount paid by him from his Rent until the Period at which the half-yearly Payment of Rent-charge to be made next after the Confirmation of the Apportionment shall have become due: Provided always, that in every such Case the Provisions herein-after contained for taking Accounts between the Person who shall have given such Security as aforesaid and the Owners of Lands subject to the Rent-charge shall be applicable to the Case of every such Land Owner from whose Rental such Deductions shall have been made as aforesaid.

Provision for
Recovery of
such Rent-
charge from
Persons giving
Security for
same.

VII. And be it enacted, That in every such Case, if the Person liable under such Security shall not make due Payment to the Person entitled to the same according to the Tenor of such Security, it shall be lawful for the said Commissioners, from Time to Time, as and when any half-yearly Payment of such Rent-charge shall accrue, and the same or any Part thereof shall remain unpaid for the Space of Twenty-one Days from any Day fixed for Payment thereof, and notwithstanding Execution shall have been previously issued in respect of any former Arrears, to sue for and recover any such half-yearly Payment, or so much thereof as shall from Time to Time remain unpaid in respect thereof, against the Person liable under such Security, by taking out a Summons, returnable before a Judge of any of the Superior Courts of Common Law, to compute what is due in respect of such Rent-charge; and it shall be lawful for any Judge of such Courts, on hearing the Parties, or such of them as shall appear, and on Production of such Security, and Proof by Affidavit of the Amount so due as aforesaid, and of the Service of such Summons on such Person or on any Occupier of any of the Lands of such Person in any such Parish, by Delivery of the same personally, or by leaving the same at his Place of Abode, to order that it be referred to the Masters of the Court to compute what is due in respect of such Security, and to tax the Costs of such Application, and all such Orders shall have the Effect of Judgments in the Superior Courts of Common Law in like Manner as Rules of such Courts, and Execution

Execution may issue accordingly, and such Security shall be available against such Person liable under the same up to and including the half-yearly Payment accruing due next before the Confirmation of such Apportionment, and shall be in full Force notwithstanding any Change in the Party entitled to such Rent-charge.

VIII. And be it enacted, That in every such Case the said Commissioners shall make due Inquiry as to any Payment of Rent-charge made by any such Person in respect of such Security previous to the Confirmation of the Apportionment of such Rent-charge, and shall endorse on such Apportionment a Certificate of such Payment, and that the Parties entitled to such Rent-charge have been duly paid the Amount thereof according to the Tenor of such Security; and such Person shall thereupon, after the Confirmation of such Apportionment, be entitled to recover the Amount specified in such Certificate as having been paid by him, against the Lands of the said Parish subject to such Rent-charge, in the Proportions fixed for Payment of Rent-charge by such Apportionment, by Distress and Entry on such Lands respectively, and shall have the like Remedies or Modes of Recovery as are given to Owners of Rent-charge for Recovery thereof in the said recited Acts or any of them: Provided always, that if the Owner or Occupier of any such Lands shall have contributed to the Payment of such Rent-charge, or of any Part thereof, or of the Arrears thereof, under such Security, or in exoneration thereof, it shall be lawful for him to take out a Summons, returnable before any Judge as aforesaid, to stay any Proceedings taken by the Person liable under such Security as aforesaid, for the Purpose of taking an Account of what he shall have so contributed or paid in respect of such Rent-charge or Arrears; and it shall be lawful for any Judge as aforesaid to refer it to the Masters of the Court to take such Account and make all just Allowances between the Parties; and if, on taking such Account, such Owner or Occupier shall be found to have paid his due Proportion, or any Amount exceeding the same, according to the proportionate Amount of Rent-charge fixed on such Lands, then it shall be lawful for any Judge as aforesaid to stay Proceedings, and order Payment by the Person liable under such Security of the Amount, if any, so overpaid by such Owner or Occupier, as the Case may require, and every such Order shall have the Effect of a Judgment as aforesaid; but if on taking such Account the whole or any Balance shall be found due from such Owner or Occupier, then it shall be lawful for such Judge to allow the same against such Owner or Occupier, whose Lands shall thereupon be liable to the Repayment thereof to the Person liable under such Security, and who shall be entitled to the said Remedies in respect thereof accordingly; and the Cost of every such Proceeding shall be in the Discretion of the Judge hearing the same, and shall be added to the Amount found due on such Order if he shall see fit so to direct: Provided also, that no such Security shall be available by the Per-

Remedy for the Land Owner against whom Execution has issued.

Provision for taking Accounts between the Person giving Security and the Land Owners liable to contribute thereto.

Period for which Security to be available

against such
Owners.

son liable under the same against any such Lands for more than Two Years Payment or Arrear of such Rent-charge, unless the said Commissioners shall, previous to the Expiration of Two Years from the Date of such Security, have enlarged the Operation thereof for any Period not exceeding Twelve Months by Endorsement thereon, under their Hands or the Hands of any Two of them, and which they are hereby authorized to do if they shall so think fit.

If Security
insufficient,
Arrears may be
recovered as if
accruing after
Apportionment.

IX. And be it enacted, That if such Security shall be insufficient to meet the full Amount of Payments which shall accrue due in respect thereof, or the Person liable under the same shall fail to make good the Amount due thereon by the Space of Twenty-one Days next after the Date of the Confirmation of the Apportionment of such Rent-charge, it shall be lawful for the Person entitled to the Benefit thereof to recover the same against the Lands of the said Parish subject to such Rent-charge, in the Proportions fixed in such Apportionment, by the said Remedies or Modes of Recovery given by the said recited Acts, or either of them, in respect of Rent-charge fixed under any confirmed Apportionment, in like Manner as if the Amount so due and in arrear had accrued subsequent to the Confirmation.

Security to be
free of Stamp
Duty.

X. And be it enacted, That every Security taken by the said Commissioners, by virtue of the Provisions of this Act, and every Assignment thereof, shall be free of Stamp Duty.

Extension of
Power to fix
Sum to be paid
after Deter-
mination of
Composition.

2 & 3 Viet.
c. 62. s. 10.

XI. ' And whereas by the lastly-recited Act the said Commissioners are empowered, by any Award, or by a Supplemental Award, after a Parochial Agreement, in certain Cases, and under certain Provisions, to fix the Sum to be paid in consideration of the Time, if any, which may intervene between the Termination of any previous Agreement or Composition for Tithes and the Time at which any such Rent-charge shall commence; and it is expedient to extend such Power in manner herein-after mentioned;' be it enacted, That it shall be lawful for the said Commissioners, at any Time before the Confirmation of the Apportionment of any Rent-charge, to exercise the said Powers so given to them for fixing the Sum to be paid for such intervening Time as aforesaid, by a Supplemental Award after an Award.

Particulars to
be specified as
to Payment of
such Sum.

XII. And be it enacted, That when any such Sum shall be fixed to be paid in consideration of such intervening Time as aforesaid, either by Parochial Agreement or Supplemental Agreement, or by Award or Supplemental Award, the Parties by and to whom such Sum is to be paid, and the Lands in respect of which the same shall be payable, as also the proportionate Amount to be paid by each Party, shall be specified and set forth in the Instrument fixing such Sum, or in the Instrument of Apportionment to be made in pursuance thereof; and in default thereof such Sum shall be payable by and to the Parties and in the Proportions fixed in such Apportionment in respect of the Rent-charge therein provided for.

XIV. ' And

XIII. 'And whereas by the said lastly-recited Act the said Commissioners are enabled by their Award, and the Tithe Owners and Land Owners by a Parochial Agreement after an Award, are enabled to fix the Period at which the Rent-charge shall commence, and it is expedient to extend such Power in manner herein-after mentioned;' be it enacted, That it shall be lawful for the Commissioners, by Supplemental Award, to exercise the Powers so given to them for fixing the Period at which any Rent-charge shall commence, as well after an Award as after a Parochial Agreement, where the same shall not have been previously fixed by any such Award or Agreement, or by any Supplemental Award or Agreement, under the said recited Acts, or either of them, or this Act: Provided always, that where the said Commissioners shall not have fixed that the Period at which any Rent-charge shall commence shall be the First Day of *January* next following the Confirmation of the Apportionment, such Period shall be fixed by them on the First Day of *January* preceding such Confirmation, or on the First Day of *April*, the First Day of *July*, or the First Day of *October* preceding or following such Confirmation, whichever of such Days may happen nearest to the Termination of any previous Agreement or Composition, or of any customary Year of Tithing in the Parish or District to which such Rent-charge shall relate: Provided also, that when any Period of Commencement shall have been so fixed by the said Commissioners in any Award or Supplemental Award, or any Day preceding the Date thereof, the Commissioners shall cause due Inquiry to be made as to the Value of any Tithes rendered in Kind, and the Amount of any Payment in respect of Tithe which shall have been made subsequent to such Period of Commencement, and prior to the first Day fixed for Payment of such Rent-charge, and shall take into account and allow such Value or Amount to be deducted from such Payment accordingly.

Extension of
Power to fix
Period for
Commencement
of Rent-charge.

2 & 3 Vict.
c. 62. s. 10.

XIV. 'And whereas by the said lastly-recited Act Powers are given to Land Owners and Tithe Owners, and also to the said Commissioners, to substitute a fixed Rent-charge in certain Cases instead of a contingent Rent-charge, where Lands are partially exempted from the Payment of Tithes or Rent-charge by reason of having been Parcel of the Possessions of a privileged Order, and it is desirable to extend such Powers in manner herein-after mentioned;' be it enacted, That such Power shall extend to all Cases where, by reason of Lands being partially exempted from the Payment of Tithes, by Custom or otherwise, or by being subject to a shifting or leaping Modus, or other customary Payment, or rendered due only on certain Contingencies, a contingent Rent-charge has been already fixed, or would, according to the Provisions of the said firstly-recited Act, be fixed in respect of such Lands; and it shall be lawful for the said Commissioners, with such Consent of both Land Owners and Tithe Owners as in the said lastly-recited

Extension of
Powers to sub-
stitute fixed
Rent-charge
instead of con-
tingent Rent-
charge.

2 & 3 Vict.
c. 62. s. 11.

recited Act is required in that respect; at any Time before the Confirmation of the Apportionment of any Rent-charge, by any Award, or by a Supplemental Award, where an Award or Parochial Agreement has been made before the passing of this Act, or for the Land Owners or Tithe Owners, by a Parochial Agreement or Supplemental Agreement where a Parochial Agreement or Award has already been made in respect of such Lands, to exercise such Powers, in such Manner and subject to the same Conditions as are given by the said lastly-recited Act in Cases of Lands formerly Part of the Possessions of a privileged Order: Provided always, and it is hereby declared, that nothing herein contained extends to Cases of Change of Cultivation only, nor to Cases of Prescription relating to Woodland.

Extension of
Powers in
respect of
Lammas and
Common
Lands.

2 & 3 Vict.
c. 62. s. 13.

XV. 'And whereas by the said lastly-recited Act certain Provisions are made and Powers given in respect of the Tithes of Lammas and Common Lands, which Powers are to be exercised by the Land Owners and Tithe Owners by Parochial Agreement, or by a Supplemental Agreement after a Parochial Agreement, and by the Commissioners by compulsory Award, or by a Supplemental Award after an Award;' be it enacted, That such Provisions may be carried into effect and such Powers exercised, at any Time before the Confirmation of the Apportionment of any Rent-charge, by the Land Owners and Tithe Owners by a Supplemental Agreement after an Award, or by the Commissioners by Supplemental Award after a Parochial Agreement.

Commissioners
to give Notice
to proceed by
Supplemental
Award.

XVI. And be it enacted, That in every Case where it shall be the Intention of the Commissioners to proceed in any Parish under this Act by Supplemental Award after a Parochial Agreement, either to fix the Period of the Commencement of such Rent-charge, or to carry into effect the Provisions and Powers of the said lastly-recited Act in respect of the Tithes of Lammas and Common Lands, they shall cause the like Notice of their Intention to be given in such Parish as is required by the said first-recited Act in the Case of an Award; and if at any Time after giving such Notice, and before the Expiration thereof, any Proceedings shall be had under the said recited Acts, or either of them, or this Act, by the Land Owners and Tithe Owners in such Parish, towards making and executing any Parochial Agreement or Supplemental Agreement in respect of the Matters specified in such Notice, the Commissioners shall refrain from acting on the same until the Result of such Proceeding shall appear.

Extension of
Powers of Con-
veyance of
Lands to Trustees
and Feoffees
for Parochial
Purposes.

2 & 3 Vict.
c. 62. s. 21.

XVII. And be it declared and enacted, That so much of the said lastly-recited Act as relates to the vesting of an Estate of Inheritance as to any Lands in any Ecclesiastical Tithe Owner and his Successors, notwithstanding the same be made by any Corporation Sole or Aggregate, or any Trustees or Feoffees for charitable Purposes, otherwise restrained from or incapable of making any such valid Conveyance or Assurance, extends to Churchwardens and Overseers or to Trustees or Feoffees

Feoffees of Parish Property, or of Property held by or vested in such Trustees or Feoffees for Parochial or other Uses or Purposes in the Nature of a Parochial or public Trust.

XVIII. And be it enacted, That in any Case where the Parties to a Parochial Agreement, or the Commissioners in the Case of an Award, shall have proceeded, according to the Provisions of the said recited Acts, to ascertain and fix a Rent-charge in any Parish wherein any of the Lands shall at the Time of making such Agreement or Award be cultivated as Hop Grounds or Market Gardens, and in case of proceeding by Award when Notice shall have been given that the Tithes of any of the Lands so cultivated should be separately valued, it shall be lawful for the said Parties to declare in such Agreement, or for the said Commissioners to declare in such Award, the Amount of extraordinary Charge *per Acre* to be in future payable in respect of Hop Grounds and Market Gardens respectively in such Parish or any District therein; and the Rent-charge mentioned in every such Agreement or Award respectively shall, subject to the Addition of such acreable extraordinary Charge, consist of the Amount agreed for or awarded in respect of the Tithes in such Parish, other than the Tithes of the Lands cultivated therein as Hop Grounds and Market Gardens respectively, and the ordinary Charge in respect of the Lands so cultivated as Hop Grounds and Market Gardens respectively added thereto: Provided always, that no such extraordinary Charge shall be payable in respect of any such Hop Grounds and Market Gardens during the First Year, and only Half such extraordinary Charge during the Second Year, in which they shall be newly cultivated as such, whether such new Cultivation shall have commenced before or after the making of such Parochial Agreement or Award as aforesaid.

Power for Parties to Parochial Agreement, and for Commissioners, to declare the Amount of extraordinary Charge to be payable in respect of Hop Grounds, &c.

No extraordinary Charge payable on Hop Grounds, &c. for the First Year of their being cultivated as such, &c.

XIX. And be it enacted, That it shall not be necessary to distinguish in any Apportionment the Amount of extraordinary Rent-charge to be charged upon the Lands of each individual Land Owner which shall be cultivated as Hop Grounds, Market Gardens, Orchards, Fruit Plantations, or mixed Plantations of Hops and Fruit; provided that the acreable Amount of extraordinary Charge for all the Lands so cultivated respectively in any District which shall have been assigned, or in any Parish wherein any extraordinary Rent-charge shall have been declared, previous to the Confirmation of the Instrument of Apportionment, shall be inserted therein.

Extraordinary Rent-charge need not be distinguished on separate Lands in Apportionment.

XX. And be it declared and enacted, That every half-yearly Payment of Rent-charge under the said recited Acts, or either of them, or this Act, shall from Time to Time be regulated by the Averages published under the Provisions of the said first-recited Act in the Month of *January* next preceding every such half-yearly Day of Payment.

Rent-charge to be regulated by Averages under 6 & 7 W. 4. c. 71. s. 67.

XXI. And be it enacted, That, unless a Majority in Value of the Owners of Lands included in any Apportionment shall,

Instrument of Apportionment to distinguish

the Amount of Rent-charge payable in respect of each Close.

Act not to extend to Cases in which Valuers are already appointed.

Provision for Recovery of Expences in certain Cases.

Power to charge Expences of Commutation, in certain Cases, on Renewal Fines, &c.

Provision for Discovery of Books and Documents

by Writing under their Hands, request the Commissioners to omit the same, the Instrument of Apportionment shall distinguish the Amount or Portion of Rent-charge payable in respect of the several Closes of the said Lands, and such Closes shall be laid down in the Map or Plan annexed to such Apportionment: Provided always, that nothing in this Provision contained shall apply to any Instrument of Apportionment the Valuers for effecting which shall have been appointed previous to the passing of this Act; and no such last-mentioned Instrument of Apportionment shall be deemed invalid if made in conformity with the Instructions given to the Valuers for making the same, although the Amount of Rent-charge payable in respect of the several Closes of Land shall not have been distinguished therein, nor such Closes laid down in the Map or Plan annexed thereto.

XXII. And be it enacted, That every Occupier whose Lands or Goods shall be liable to Distress in respect of any Expences chargeable under the said recited Acts, or either of them, or this Act, against any Landlord or Lessor of the Lands in his Occupation, shall be entitled to recover the Amount of any such Expences which he shall pay, with Interest on such Payment from Time to Time at Four *per Centum per Annum*, and may deduct the same from any Rent or Renewal Fines payable to such Landlord or Lessor; and where the Estate of such Landlord or Lessor in the Lands in respect whereof such Payment shall have been made shall be less than an immediate Estate of Fee Simple or Fee Tail, or subject by Settlement to any Uses or Trusts, he shall be entitled to charge such Amount and Interest upon such Estate in like Manner and subject to the same Restrictions and Provisions as are contained in the said recited Acts or any of them in relation to Owners of particular Estates, or of Estates settled to the same Uses and Trusts as the Lands in respect of which such Expences have been incurred respectively.

XXIII. And be it enacted, That every Person, as defined in the said first-recited Act, who is empowered under the said recited Acts or any of them, or this Act, to charge upon his Lands or Rent-charge any Expences of Commutation payable by him, may exercise such Powers, in the Case of Expences incurred, as well in respect of the Commutation of Tithes payable to him as the Owner thereof as of Tithes to which any Lands whereof he is Owner are liable; and the Word "Lands" shall, in the Construction of the said Acts and of this Act, be construed to extend to and include any Income or Sum receivable by or accruing to such Person from redeemed Land Tax, or from Fines or other Sums of Money payable on the Renewal of any Term or Estate in Lands, Tithes, or Rent-charge holden of or by him to the same Uses and upon the same Trusts as the Lands, Tithes, or Rent-charge in respect of which such Expences of Commutation are incurred.

XXIV. And be it enacted, That, notwithstanding any thing in either of the said Acts contained, in all Cases where under the said recited Acts or any of them the said Commissioners or
any

any Assistant Commissioner may examine Persons upon Oath, and cause to be produced before them or him all Books and other Documents, as therein mentioned, relating to the Commutation of Tithes, the said Commissioners or Assistant Commissioner may, by Summons under their or his Hand, require the Attendance of and examine any Party interested in the Lands or Tithes of any Parish, or any other Person, and require the Production also of all Deeds and Documents in the Custody or Power of either Party, and allow such Portions only of them to be read as in their or his Judgment shall be thought proper; and also that in all Cases where under the said Acts Parties in a feigned Issue are required to produce to each other, and their respective Attornies or Counsel, at such Time and Place as any Judge may order before Trial, and also to the Court and Jury upon the Trial of such Issue, all Deeds, Books, and other Documents, as in the said Act mentioned, relating to the Matters in Issue in their respective Custody or Power, the Parties shall be obliged to produce only such Documents, and such Portions of them only shall be inspected or read, as the Judge shall think proper, who may order the Parties to discover the Documents in their Possession, upon Oath, if he shall think fit; and it shall be lawful for the Judge, and also for the Commissioners or Assistant Commissioner, in the Cases aforesaid respectively, to direct Copies or Extracts to be taken or furnished of the same Documents, at the Expence of the Person requiring the same, at the Rate of Sixpence for every Common Law Folio: Provided always, that in no Case shall any Person be compellable to produce any Part of the Deeds or Documents in his Possession which relate to the Title to the Property therein referred to, but only such Parts thereof as relate to the Matter immediately in Issue; and such Person may, if he see fit, withhold any such Deeds or Documents, or any Portion thereof, on making an Oath that the Deeds or Documents or Parts thereof so withheld do not relate to the Matter so in Issue as aforesaid.

XXV. ' And whereas in many Cases Tithe Owners have, during the Seven Years of Average prescribed by the said first-recited Act, forborne to take the Tithes of Lands used and occupied as Gardens, Lawns, or the like, or Compositions in lieu thereof, on account of such Lands being of small Extent, and the Tithes thereof being of inconsiderable Value: Be it enacted, That where in such Cases the Tithes of a Parish or District have been commuted, whether by a Parochial Agreement or by a compulsory Award, and it shall be shown to the Satisfaction of the said Commissioners that the Rent-charge or Rent-charges specified in the said Agreement or Award has or have been based upon the Average Value of the Tithes of the said Parish or District during the said Seven Years of Average, exclusive of any Tithes in respect of such Gardens, Lawns, or such like small Holdings, according to the Provisions of the said first-recited Act, and that no Part of the said Rent-charge or Rent-charges has been agreed to be given or awarded in respect of the Tithes of such Gardens, Lawns, or other such like small

relating to
Commutation.
6 & 7 W. 4.
c. 71. s. 10.

Gardens or
Lawns of small
Extent may be
exempted from
Rent-charge.

Holdings, it shall be lawful for the said Commissioners, if they think fit, to order and direct that no Part of the said Rent-charge or Rent-charges shall be apportioned upon such Gardens, Lawns, or other such like small Holdings.

The Commissioners to cause a new Apportionment to be made in Cases in which the Apportionment shall have included Tenements from which no Tithe has been taken during Seven Years previous to Christmas 1835.

XXVI. ' And whereas it hath happened that in Cases where, during the Seven Years of Average prescribed by the said first-recited Act, Tithes shall not have been demanded of certain Tenements, by reason of their small Extent or of the small Amount of such Tithes, such Tenements have notwithstanding been included in the Apportionment of the Rent-charge for the Parish, whereby the Occupiers of such Tenements have become liable to have their Goods distrained upon, and the Tithe Owner has been subjected to much increased Difficulty and Expence in the Collection of the Rent-charge, contrary to the true Intent and Meaning of the said first-recited Act; and it is therefore expedient, under certain Restrictions, to give Relief in such Cases; be it enacted, That in any such Case in which the Apportionment shall have included any Number of small Tenements, exceeding in the whole One hundred, from which Tenements no Tithe or Composition for Tithe shall have been demanded or taken (notwithstanding their Liability thereto) during the Period of Seven Years next preceding *Christmas* in the Year One thousand eight hundred and thirty-five, it shall be lawful for the Commissioners, and they are hereby authorized, if they shall see fit, upon the Application in Writing of any Ten or more of the Owners or Occupiers of such small Tenements, or of the Tithe Owner, and after satisfactory Proof shall have been given that no Part of the Rent-charge has been agreed to be given or awarded in respect of the Tithes of such small Tenements, to cause a new Apportionment to be made of the said Rent-charge, and to order and direct that no Part thereof shall be apportioned upon such small Tenements; and the Provisions in the said first-recited Act contained for hearing and determining Objections to Apportionments, and for rendering the same, or any Map or Plan therein referred to, final and conclusive, shall be and are hereby respectively made applicable to every such new Apportionment; and, subject to such Provisions, such new Apportionment shall commence and take effect from the half-yearly Day of Payment of the said Rent-charge which shall happen next before the Confirmation of the same Apportionment: Provided always, that no Payment of such Rent-charge, or Right to Arrears thereof, which shall have become due or accrued on or before the said half-yearly Day of Payment, nor any Remedy in case of Non-payment, shall in anywise be affected by any such new Apportionment.

Provision for the Costs of new Apportionment.

XXVII. And be it enacted, That the Costs of and attending every such new Apportionment shall be paid and borne by the Parties making such Application, in such Proportions as the Commissioners shall direct, and shall be recoverable in like Manner as the Costs of any Apportionment under the said first-recited Act; and as to any Part of such Costs as may be borne by

by the Tithe Owner, such Tithe Owner, being an Ecclesiastical beneficed Person, may charge or assign the Rent-charge as a Security for the Repayment of such Costs in like Manner as for the Costs of the Commutation under the said Act.

XXVIII. 'And whereas by the said lastly-recited Act Powers are given to the said Commissioners or any Assistant Commissioner, upon the Application in Writing of not less than Two Thirds in Number and Value of the Land Owners in any Parishes or Townships, to set out and define the Boundaries of such Parishes or Townships in manner in the said Act provided; and it is expedient to extend such Power in manner herein-after mentioned;' be it enacted, That it shall be lawful for the said Commissioners, or Assistant Commissioner, but at the sole Discretion of the said Commissioners, and only in such Manner as they shall see fit and proper, to exercise all and every the Powers so given by the said lastly-recited Act relating to Boundaries of Parishes or Townships, on the Application in Writing of Two Thirds in Number and Value of the Land Owners of any One Parish, Place, or Township whose Boundary shall be in question, notwithstanding the Land Owners in the Parish, Place, or Township adjoining such Boundary shall not join in such Requisition: Provided always, that in every such Case the said Commissioners or Assistant Commissioner shall, Twenty-one Days at least before proceeding to make Inquiry and adjudicate on such Question of Boundary, cause a Notice to be sent by the Post, or otherwise given, addressed to the Churchwardens and Overseers, and also to the Surveyors of the Highways of every Parish, Place, or Township adjoining such Boundary, of the Intention of the said Commissioners or Assistant Commissioner to proceed on the Question of such Boundary, and shall specify in such Notice a Time and Place of Meeting so to proceed therein, and shall annex to each Copy of such Notice a Copy of the Application of the Land Owners requiring the Commissioners to make such Inquiry and Adjudication, and shall also cause a Copy of such Notice to be inserted, once at least in Two successive Weeks previous to the Day of such Meeting, in some Newspaper having Circulation in the County where such Parish, Place, or Township is situated; and no Assistant Commissioner shall proceed in any such Inquiry without exhibiting at such Meeting the Papers containing the Advertisement of such Notice, and also a Certificate, under the Hands of the said Commissioners, or any One or Two of them, of One Copy of such Notice having been respectively sent to such Churchwardens and Overseers, and a Copy to such Surveyors as aforesaid; and the Assistant Commissioner shall thereupon proceed in all respects, and his Proceedings shall be as valid and binding, as if the said Inquiry had been instituted on the Application in Writing of Two Thirds in Number and Value, as well of the Land Owners of the Parish, Place, or Township to which such Notice shall have been so sent, as of the Parish, Place, or Township causing such Inquiry to be instituted: Provided nevertheless, that upon the Application in Writing,

Commissioners may adjudicate Parochial Boundaries on Requisition of Land Owners of any Parish.
2 & 3 Vict.
c. 62. s. 34. & 35.

Provido.

addressed to the said Commissioners during the Interval of such Twenty-one Days, of not less than Two Thirds in Number and Value of the Land Owners in any Parish, Place, or Township adjoining such Boundary, and not being Parties to any such Application as aforesaid, objecting to the said Commissioners or Assistant Commissioner proceeding under the same in the Matter of such Boundary, all Proceedings which shall have been instituted upon the Application of such single Parish, Place, or Township under this Act shall forthwith be stayed.

This Act to be taken as Part of recited Act, and of 1 & 2 Vict. c. 64.

XXIX. And be it enacted, That this Act shall be taken to be a Part of the said recited Acts, and also of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Merger of Tithes*; and in the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the several Words used in this Act shall have and bear the same Interpretation as is given to such Words respectively in the said Acts or either of them; and whenever a Word importing the Singular Number or Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as One Person or Party, and Females as well as Males, and several Matters or Things as One Matter or Thing respectively, and the converse.

Act may be amended this Session.

XXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XVI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-one; and for the Relief of Clerks to Attornies and Solicitors in certain Cases. [19th June 1840.]

‘ WHEREAS divers Persons, who, on account of their
‘ Offices, Places, Employments, or Professions, or any
‘ other Cause or Occasion, ought to have taken and subscribed
‘ the Oaths or Assurance respectively appointed to be by such
‘ Persons taken and subscribed in and by an Act made in the
‘ First Year of the Reign of His Majesty King *George* the
‘ First, of glorious Memory, intituled *An Act for the further
‘ Security of His Majesty’s Person and Government, and the Suc-
‘ cession of the Crown in the Heirs of the late Princess Sophia,
‘ being Protestants; and for extinguishing the Hopes of the pre-
‘ tended Prince of Wales, and his open and secret Abettors*; or to
‘ have qualified themselves according to an Act made in the
‘ Thirteenth Year of the Reign of His Majesty King *Charles*
‘ the Second, intituled *An Act for the wellgoverning and regu-
‘ lating of Corporations*; or to have qualified themselves ac-
‘ cording

1 G. 1. st. 2.
c. 13.

13 C. 2. st. 2.
c. 1.

' cording to another Act made in the Twenty-fifth Year of the
 ' Reign of His Majesty King Charles the Second, intituled *An Act for preventing the Dangers which may happen from Popish* 25 C. 2. st. 2.
 ' *Recusants*; or according to another Act made in the Thirtieth Year of the Reign of His Majesty King Charles the
 ' Second, intituled *An Act for the more effectual preserving the* 30 C. 2. st. 2.
 ' *King's Person and Government, by disabling Papists from sitting*
 ' *in either House of Parliament*; or according to another Act
 ' made in the Eighth Year of the Reign of His Majesty King
 ' George the First, intituled *An Act for granting the People called* 8 G. 1. c. 6.
 ' *Quakers such Forms of Affirmation or Declaration as may remove*
 ' *the Difficulties which many of them lie under*; or according to
 ' another Act made in the Ninth Year of the Reign of His
 ' Majesty King George the Second, intituled *An Act for in-* 9 G. 2. c. 26.
 ' *demnifying Persons who have omitted to qualify themselves for*
 ' *Offices within the Time limited by Law, and for allowing further*
 ' *Time for that Purpose*; and for amending so much of an Act
 ' passed in the Second Year of the Reign of His present Majesty
 ' as requires Persons to qualify themselves for Offices before the
 ' End of the next Term or Quarter Sessions, and also for en-
 ' larging the Time limited by Law for making and subscribing the
 ' Declaration against Transubstantiation; and for allowing a further
 ' Time for Enrolment of Deeds and Wills made by Papists; and
 ' for Relief of Protestant Purchasers, Devisees, and Lessees; or
 ' according to another Act made in the Eighteenth Year of
 ' the Reign of His Majesty King George the Second, intituled
 ' *An Act to amend and render more effectual an Act passed in the* 18 G. 2. c. 20.
 ' *Fifth Year of His present Majesty's Reign, intituled ' An Act*
 ' *for the further Qualification of Justices of the Peace*;' or accord-
 ' ing to another Act made in the Sixth Year of the Reign of
 ' His Majesty King George the Third, intituled *An Act for* 6 G. 3. c. 53.
 ' *altering the Oath of Abjuration, and the Assurance*; and for
 ' amending so much of an Act made in the Seventh Year of the
 ' Reign of Her late Majesty Queen Anne, intituled *' An Act for*
 ' *the Improvement of the Union of the Two Kingdoms,*' as after the
 ' Time therein limited requires the Delivery of certain Lists and
 ' Copies therein mentioned to Persons indicted of High Treason or
 ' Misprision of Treason; or according to another Act passed in
 ' the Ninth Year of the Reign of His Majesty King George the
 ' Fourth, intituled *An Act for repealing so much of several Acts* 9 G. 4. c. 17.
 ' *as imposes the Necessity of receiving the Sacrament of the Lord's*
 ' *Supper as a Qualification for certain Offices and Employments*;
 ' or according to another Act passed in the Tenth Year of the
 ' Reign of His said Majesty, intituled *An Act for the Relief of* 10 G. 4. c. 7.
 ' *His Majesty's Roman Catholic Subjects*, so far only as the said
 ' Act relates to any Civil or Military Offices or Places of
 ' Trust, or Places of Profit, or Corporate Offices; have, through
 ' Ignorance of the Law, Absence, or some unavoidable Acci-
 ' dent, omitted to take and subscribe the Oaths and Assurance
 ' and make and subscribe the Declaration required by the
 ' said recited Acts or either of them, or otherwise to qualify
 ' themselves as aforesaid, within such Time and in such Man-
 ' ner

Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further Time.

‘ner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty’s Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions,’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-one, shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them, or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance,

Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

II. ' And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery* ; be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid ; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned ; any thing in the said Act to the contrary notwithstanding : Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-one.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

III. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to indemnify Persons against whom final Judgment has been given.

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Not to exempt Justices acting without legal Qualification.

V. ' And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain*. and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped,

Admissions to Corporations may be stamped after the Time allowed.

' stamped, may not have been provided or the same not stamped, or may have been lost or mislaid;' be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and forty-one, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

VI. ' And whereas many Persons who may have paid the proper Stamp Duties, either before or within Six Months after the Execution of the Contracts in Writing entered into by them to serve as Clerks to Attornies or Solicitors, Scriveners or Notaries Public, in *Great Britain*, have omitted to cause Affidavits to be made, and afterwards to be filed in the proper Office, of the actual Execution of such Contracts,

' and

Indemnity to
Persons who
have paid the
Duties on In-
dentures to
serve as Clerks
to Attornies,
&c. but have
neglected to

‘ and have also omitted to cause such Contracts, and the Indentures thereof, or the Assignment of any such Indentures, to be enrolled within the Time in which the same ought to have been done; and many Solicitors, Attornies, Notaries Public, and others have omitted to take out annual Certificates, or to enter the same in the proper Office; and many Infants and others may thereby incur certain Disabilities.’ For preventing thereof, and relieving such Persons, be it enacted, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture or Assignment to be enrolled, and who, on or before the First Day of *Hilary* Term One thousand eight hundred and forty-one, shall cause such Contract or Indenture or Assignment to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed, in such Manner as the same ought to have been made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts mentioned, and incurred or to be incurred for or by reason of such Neglect or Omission; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the First Day of *Hilary* Term One thousand eight hundred and forty-one, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same by reason that the Attorney, Solicitor, or Notary Public to whom such Infant or other Person shall have been articulated or assigned, or have contracted to serve, shall have neglected to take out his Annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Notary Public or Notaries Public, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his Annual Certificate, or to register the same, provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

cause Affidavits thereof to be made.

Neglect of Attornies, &c. in taking out their Annual Certificates not to disqualify the Persons who have served them.

VII. And be it enacted, That in case the Attorney, Solicitor, Proctor, or Notary to whom any Person shall have duly served his

Defects in the Service, &c. of Attornies not to disqualify Per-

sans who have served them.

his Clerkship under Articles in Writing for that Purpose shall after such Service of the Clerk be struck off the Roll in consequence of some Defect in the Service under the Articles of Clerkship or of the Admission and Enrolment of such Attorney, Solicitor, Proctor, or Notary, the Person who has so duly served his Clerkship shall not be prevented or disqualified from being admitted and enrolled as an Attorney, Solicitor, Proctor, or Notary, nor liable to be struck off the Roll if admitted, by reason of any such Defect as aforesaid, provided that such Clerk or Person be otherwise entitled to be admitted and enrolled according to the Laws now in force relating thereto.

Applications for striking Attornies off the Roll for Defect in Articles, &c. to be made within 12 Months of Admission.

VIII. And be it enacted, That no Person who has been admitted and enrolled and in actual Practice as an Attorney, Solicitor, Proctor, or Notary shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or the Registry thereof, or the Service under such Articles, or of his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment.

In case of Articles being lost the Court may order a Copy thereof to be enrolled.

IX. Provided always, and be it enacted, That in any Case in which the original Articles of Clerkship shall have been or shall hereafter be lost or destroyed before or after Payment of the Duty, it shall be competent to either of Her Majesty's Superior Courts at *Westminster* to direct the Enrolment of a Copy of such Articles, upon being satisfied, by such Evidence as shall appear to the Court sufficient to prove the Loss of such original Articles, of the Authenticity of the Paper proposed for Enrolment, and that the Duty has been duly paid upon such Articles or upon a Copy thereof, to be shown by the denoting or other appropriate Stamp, as the Case may require, and provided such Court shall be satisfied that the Clerk has duly served under such Articles from the Time of the Execution thereof, or for such Time as shall appear satisfactory to the Court under the Circumstances of the Case.

The Word "Months" in 7 G. 4. c. 44. to mean Calendar Months.

X. ' And whereas by an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, to allow, ' until the Tenth Day of *October* One thousand eight hundred ' and twenty-six, the Enrolment of certain Articles of Clerk- ' ship, and for other Purposes therein mentioned, it was enacted, ' that it should not be lawful for the Commissioners of Stamps, ' or any of their Officers, to stamp, under any Pretence what- ' ever, after the Expiration of Six Months from their Date, any ' Articles of Clerkship to Attornies or others, as therein speci- ' fied: And whereas the using of the Word "Months" in the ' said last-mentioned Act, in this respect, without the Addition ' of the Word "Calendar," occasioned Mistakes and Incon- ' veniences;' be it enacted, That from and after the passing of this Act the Word "Months" used in the said last-mentioned Act, so far as the same relates to the stamping of Articles of Clerkship to Attornies and others therein specified, shall be understood to mean Calendar Months.

XI. ' And

XI. ' And whereas several Persons bound to serve as Clerks ' or Apprentices to Attornies or Solicitors have applied to have ' the Indentures or Contracts of such Clerkship stamped after ' the Expiration of Six Lunar and before the Expiration of Six ' Calendar Months from the Date thereof; ' be it enacted, That it shall and may be lawful for the Commissioners of Stamps and Taxes, or any of their proper Officers, at any Time before the last Day of *Michaelmas* Term One thousand eight hundred and forty, to stamp any Articles of Clerkship, Contract, Indenture, or other Instrument whereby any Person hath become bound to serve as a Clerk or Apprentice, in order to his Admission as an Attorney or Solicitor in any of the Courts of Law or Equity, although the Period of Six Calendar Months from the Date thereof hath now elapsed, upon Payment of the proper Duty payable in respect of the same, and of the further Sum of Five Pounds by way of Penalty, provided it shall be proved to the Satisfaction of the said Commissioners that Application was made to them or to their proper Officer to have such Articles, Contract, Indenture, or Instrument stamped within Six Calendar Months from the Date thereof.

Indentures, &c. may be stamped before last Day of *Michaelmas* Term 1840, if Application was made therefor within Six Calendar Months from the Dates thereof.

XII. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person; but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

Not to restore Persons to any Office avoided by Judgment.

XIII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

General Issue.

CAP. XVII.

An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes.

[19th June 1840.]

' Most Gracious Sovereign,

' **WE**, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences and making ' an

cap. 16 & c. 23, 51
485 15 29
586 15 25, 2
607 15 27
74 x 15 25 17 25
11 12 15 29

*Customs and
Excise.*

An additional
Duty of 5*l.* per
Cent. on the
Amount of all
Customs and
Excise Duties,
except Spirits,
Corn, and Post
Horses.

‘ an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several additional Rates and Duties herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted;’ and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth Day of *May* One thousand eight hundred and forty there shall be charged, raised, levied, collected, and paid an additional Duty or Charge of Five Pounds *per Centum* upon the Produce and Amount of all the several Duties and Revenues of Customs and Excise charged and collected under the Management of the Commissioners of Customs and Excise respectively throughout the United Kingdom; save and except upon the Produce and Amount of the Duties of Customs upon Spirits or Strong Waters of all Sorts; and upon the Produce and Amount of the Duties of Customs upon Corn, Grain, Meal, or Flour entered for Home Consumption in the United Kingdom from Parts beyond the Seas; and upon the Produce and Amount of the Duties of Excise on Horses let to Hire, and on Licences taken out by Persons letting Horses for Hire; and upon the Produce and Amount of the Duties on Spirits made and distilled in the United Kingdom.

An additional
Duty of 4*d.* per
Gallon laid
upon all Spirits
imported.

II. And be it enacted, That from and after the said Fifteenth Day of *May* One thousand eight hundred and forty there shall be raised, levied, collected, and paid, upon every Gallon of Spirits or Strong Waters of all Sorts imported into the United Kingdom, or in Warehouse under Her Majesty’s Locks on the said Fifteenth Day of *May*, an additional Duty of Customs of Four-pence, such additional Duty to be charged, raised, levied, collected, and paid as any Duty of Customs on Spirits or Strong Waters may be now charged, raised, levied, collected, and paid under any Act or Acts relating to the Revenue of Customs.

An additional
Duty of 4*d.* per
Gallon on
British Spirits.

III. And be it enacted, That there shall be charged, raised, levied, collected, and paid, upon every Gallon of Spirits, of the Strength of Hydrometer Proof, which shall, after the Fifteenth Day of *May* One thousand eight hundred and forty, be distilled, or be in the Stock, Custody, or Possession of any Distiller in *England*, *Scotland*, or *Ireland* respectively, or which, having been distilled in *Scotland* or *Ireland*, shall after that Day be in Warehouse, and be taken out of Warehouse for Consumption in *Scotland* or *Ireland*, or for Removal to *England*, or which, having been taken out of Warehouse, shall after that Day be brought into *England*, or having been removed to *England*, and the full Duties thereon not having been paid or satisfied, shall after that Day be on the Legal Quays or Sufferance Wharfs, or other Place of landing, an additional Duty of Four-pence.

Additional
Drawbacks.

IV. And be it enacted, That there shall be allowed and paid an additional Allowance, Drawback, and Bounty of Five Pounds *per Centum* upon any Allowance, Drawback, or Bounty of Customs

Customs or Excise now due on all Goods and Commodities entitled to Allowance, Drawback, or Bounty on the Exportation or Removal thereof to Foreign Parts or *Ireland*, which shall, on or after the Fifteenth Day of *August* One thousand eight hundred and forty, be so exported or removed, and upon all Timber used in the Mines of Tin, Lead, or Copper in the Counties of *Devon* or *Cornwall*, or in *Ireland*, and on any Goods, in respect of which Allowances of the Duties of Excise are now by Law payable, made use of in the Manufacture of other Goods and Commodities, after the said Fifteenth Day of *August*: Provided always, that where any of the said first-mentioned Goods shall be so exported or removed before the said Fifteenth Day of *August*, and it shall be made to appear to the Satisfaction of the Commissioners of Customs or Excise respectively that the additional Duty or Charge of Five Pounds *per Centum* by this Act imposed has been charged on the Goods and Commodities so exported or removed, and if Goods entitled to a Drawback of Excise, the same having been packed at the Makers thereof, it shall be lawful for the said Commissioners respectively to allow and pay the said additional Drawback or Bounty in respect of such Goods and Commodities.

V. And be it enacted, That the Duties, Bounties, and Drawbacks of Customs by this Act imposed and allowed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, and paid and recovered, and allowed and applied or appropriated, under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the general Regulation of the Customs*.

Duties, &c. of Customs to be under the Management of the Commissioners of Customs, &c. 3 & 4 W. 4. c. 52.

VI. And be it enacted, That the said additional Duty or Charge of Five Pounds *per Centum* on the Produce or Amount of the Duties of Excise, and the said additional Drawbacks and Allowances, and the said additional Duty of Excise on Spirits, shall be under the Management of the Commissioners of Excise for the Time being, and the same shall and may be respectively raised, levied, recovered, paid, and applied in such and the like Manner, and in and by the same Means, Ways, or Methods, by which the several and respective Duties on the Produce and Amount of which the said additional Duty or Charge of Five Pounds *per Centum* is hereby imposed, and the Duties on Spirits made or distilled in *England*, *Scotland*, and *Ireland* respectively are or may be charged, raised, levied, collected, recovered, paid, and applied; and all and every Act or Acts relating to the Duties of Excise, and all and every Fine, Penalty, or Forfeiture, of any Nature or Kind whatsoever, for any Offence against or in breach of any Act or Acts for securing the Duties of Excise or any of them, or for the Regulation thereof, in force immediately before the passing of this Act, and the several Clauses, Powers, and Directions therein contained, shall and the same are respectively hereby directed and declared to extend to, and shall be applied, practised, and

Duties, Drawbacks, and Allowances of Excise to be under the Management of the Commissioners of Excise, and to be collected and applied under the Laws of Excise.

and put in execution (except where otherwise altered or declared by this Act) for and in respect of the additional Duties of Excise by this Act imposed, in as full and ample Manner as if all and every the said Acts, Clauses, Provisions, Powers, Directions, Fines, Penalties, and Forfeitures were repeated and re-enacted in this Act.

Providing for
Contracts made
before the Im-
position of addi-
tional Duties.

VII. 'And whereas Contracts may have been made on or before the said Fifteenth Day of *May* One thousand eight hundred and forty, for Goods or Commodities or Spirits on which the additional Duties of Customs and Excise hereby imposed will attach, to be delivered on or after that Day;' be it therefore enacted, That all and every Person and Persons who shall or may, on or before the said Fifteenth Day of *May* One thousand eight hundred and forty, have made or entered into any such Contracts or Agreements, shall and they are hereby respectively authorized and empowered, in the Case of any such Contracts or Agreements, to add so much Money as will be equivalent to the said additional Duties respectively to the Price of such Goods or Commodities or Spirits, and shall be entitled by virtue of this Act to be paid for the same accordingly.

Assessed Taxes.

An additional
Duty of 10l.
per Cent. on
the Duties of
Assessed Taxes
granted.
48 G. 3. c. 55.

VIII. And be it enacted, That upon all Assessments made or to be made for the Year commencing on the Sixth Day of *April* One thousand eight hundred and forty, or for any subsequent Year, of the Duties of Assessed Taxes chargeable or to become chargeable under or by virtue of an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof; and certain additional Duties to be consolidated therewith; and also for repealing the Stamp Duties on Game Certificates, and granting new Duties in lieu thereof, to be placed under the Management of the Commissioners for the Affairs of Taxes; and also an Act passed in the Fifty-second Year of the Reign of the said King George the Third, intituled An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, for or in respect of the several Matters and Things mentioned and set forth in the several Schedules to the said Acts respectively annexed, or under or by virtue of any other Act or Acts for altering or reducing any of the said Duties, or for granting any other Duties to be assessed or charged under the Rules or Regulations of the said last-recited Acts or either of them, or for authorizing Compositions to be made for any of the said Duties, there shall be assessed, raised, levied, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, in and throughout *Great Britain*, a further additional Duty of Two Shillings for every Twenty Shillings, and at and after the like Rate for any greater or less Sum than Twenty Shillings of the gross Amount of the said former Duties and Compositions respectively chargeable in any such Assessment, under or by virtue of any such Act or Acts as aforesaid now in force, which said additional Duty shall be computed on the

52 G. 3. c. 93.

total Amount of the Sums assessed or charged for such Duties or Compositions as aforesaid on each of the several Persons named in every such Assessment, but no fractional Part of One Penny of the said additional Duty shall be payable.

IX. And be it enacted, That the Commissioners authorized or appointed or who shall be authorized or appointed to put in execution the several Acts relating to the said former Duties of Assessed Taxes or any of them, on the Amount of which the said additional Duty is hereby imposed, shall be Commissioners for executing this present Act; and that the several Surveyors, Inspectors, Assessors, and Collectors respectively appointed or to be appointed to put in execution the said several Acts before mentioned, or any of them, shall be Surveyors, Inspectors, Assessors, and Collectors to put in execution this present Act, according to the respective Powers and Authorities given to them by the said former Acts or any of them; and the said Commissioners and other the Persons aforesaid, being duly qualified to act in the Execution of the said several Acts relating to the said former Duties of Assessed Taxes or any of them, shall and they are hereby respectively empowered and required to do all Things necessary for putting this Act in execution with relation to the said further additional Duty hereby imposed in respect of the said Duties of Assessed Taxes, in the like and in as full and ample a Manner as they or any of them are or is authorized to put in execution the said former Acts relating to the said Duties of Assessed Taxes, or any Matters or Things therein respectively contained.

X. And be it enacted, That upon every Assessment made or to be made after the Fifth Day of *April* One thousand eight hundred and forty of the said Duties of Assessed Taxes under or by virtue of the said Acts now in force, or any of them, the Assessors appointed or to be appointed to make such Assessments, and in their Default the respective Surveyors and Inspectors appointed or to be appointed in pursuance of the said several Acts, or any of them, shall ascertain the Amount of the said further additional Duty hereby imposed on each of the several Persons named in every such Assessment, and shall certify and return the same upon such Assessments to the respective Commissioners authorized to put the said Acts in execution at their respective Meetings to be held for returning such Assessments in all and every the respective Counties, Shires, Stewartries, Ridings, Divisions, Cities, Boroughs, Cinque Ports, Towns, and Places respectively, or at such other Time or Times as the said Commissioners shall respectively appoint in that Behalf; which said further additional Duty so certified shall be added to the Amount of the former Assessed Duties, and shall be collected, raised, levied, and received under the Rules, Regulations, and Directions prescribed by the said former Acts, subject nevertheless to such proportional Increase or Abatement in the Amount thereof as shall be necessary in case the said former Duties so assessed shall be increased or

[No. 10. *Price 2d.*]

K

diminished

Commissioners, &c. appointed to put in execution former Acts relative to the Duties of Assessed Taxes to put in execution the present Act with relation to the additional Duty thereon.

The Assessors to ascertain the Amount of the additional Duty of Assessed Taxes, and to certify the same to the Commissioners.

diminished by any Surcharge thereupon or Appeal therefrom, in pursuance of the said former Acts.

Additional
Duties of As-
sessed Taxes to
be ascertained,
collected, &c.
in like Manner
as former Duties.

XI. And be it enacted, That the said additional Duty by this Act imposed upon the Amount of the several former Duties of Assessed Taxes as aforesaid shall and may be respectively ascertained, managed, collected, paid, recovered, paid over, and accounted for, under such Penalties, Forfeitures, and Disabilities, and according to such general Rules, Methods, and Directions, by which all the said former Duties on the Amount of which the said additional Duty is by this Act imposed, or according to such special Rules, Methods, and Directions by which such of the said former Duties upon the Amount of which the said additional Duty may be chargeable by virtue of this Act were or might be ascertained, managed, collected, paid, recovered, paid over, and accounted for, except as far as any of the said Rules, Methods, and Directions are expressly varied by this Act; and all and every the Powers, Authorities, Rules, Directions, Penalties, Forfeitures, Clauses, Matters, and Things contained in any Act or Acts relative to the said former Duties of Assessed Taxes, or any of them, now in force, and not hereby otherwise provided for, for the computing, surcharging, recovering, paying, and accounting for the said Duties, by any former Act or Acts granted, so far as the same are applicable to the additional Duty by this Act imposed, and not repugnant to the peculiar Directions of this Act, shall be in full Force, and be duly observed, practised, and put in execution for computing, surcharging, recovering, paying, and accounting for the said additional Duty by this Act granted, as fully and effectually to all Intents and Purposes as if the same or the like Powers, Authorities, Rules, Directions, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and re-enacted in the Body of this present Act.

Exemption
from Duty of
Windows
opened since
5th April 1835
under
4 & 5 W. 4. c. 73.

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend to charge any Person with Duty in respect of any Windows or Lights which such Person shall have made or opened since the Fifth Day of *April* One thousand eight hundred and thirty-five, and which under the Provisions of an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth such Person would be entitled to make or open and keep open free of Duty.

Duties of
Assessed Taxes
reduced on cer-
tain Carriages
kept to be let
for Hire with
Horses.

XIII. And be it enacted, That upon all Assessments made or to be made for the said Year commencing on the Sixth Day of *April* One thousand eight hundred and forty, or for any subsequent Year, in lieu of the Duties of Assessed Taxes now payable under or by virtue of any Act or Acts in force for or in respect of every Carriage with Two or more Wheels kept for the Purpose of being let for Hire, with One or more Horses to be used therewith, by any Person duly licensed to let Post Horses, and whereon the Name or Names and Place or Places of Abode of the Person or Persons so licensed

licensed shall be marked or painted, according to the Directions of the Acts in that Case made and provided, and which shall be solely used in such Manner that the Duty on Horses let for Hire shall be payable by Law in respect of the Horse or Horses used therewith, and shall be duly accounted for by the Delivery of a Ticket, according to the Directions of the said Acts, there shall be assessed, raised, levied, and paid unto and for the Use of Her Majesty, Her Heirs and Successors, in and throughout *Great Britain*, the reduced annual Duty of Three Pounds; which said reduced Duty shall be assessed, raised, levied, collected, and paid in like Manner, and under and subject to the like Rules, Regulations, and Conditions, as the said Duties now payable as aforesaid: Provided always, that the said further additional Duty by this Act granted shall not be charged upon or in respect of the said reduced Duty.

XIV. And be it enacted, That this Act shall commence and be in force from the Fourteenth Day of *May* One thousand eight hundred and forty.

Act to be in force from 14th May 1840;

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

and may be amended in this Session.

CAP. XVIII.

An Act to discontinue the Excise Survey on Tobacco, and to provide other Regulations in lieu thereof.

586/293

[3d July 1840.]

‘ WHEREAS by an Act passed in the Ninth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act to provide for the Execution throughout the*
 ‘ *United Kingdom of the several Laws of Excise relating to*
 ‘ *Licences and Survey on Tea, Coffee, Cocoa, Pepper, Tobacco,*
 ‘ *Snuff, Foreign and Colonial Spirits and Wine, notwithstanding*
 ‘ *the Transfer to the Customs of the Import Duties on any of such*
 ‘ *Commodities*, all Acts relating to the Revenue of Excise in
 ‘ force at and immediately before the Year One thousand eight
 ‘ hundred and twenty-five, with respect to Dealers in and
 ‘ Sellers of Coffee, Cocoa, Pepper, Tobacco, Snuff, Foreign
 ‘ and Colonial Spirits and Wine, and Manufacturers of Tobacco
 ‘ and Snuff respectively, and with respect to the taking and
 ‘ keeping Account of and Survey of all Stocks of such Com-
 ‘ modities respectively in the Possession of such Traders respec-
 ‘ tively, and to the Manufacture of Tobacco and Snuff, and
 ‘ with respect to the granting of Permits for the Removal of
 ‘ such Commodities as aforesaid respectively, were declared
 ‘ and enacted to have remained and continued, and were con-
 ‘ tinued in full Force and Virtue, as Laws relating to the
 ‘ Revenue of Excise, save and except so far as any of such
 ‘ Acts, or any Part or Parts thereof, might have been repealed
 ‘ or altered by any subsequent Act relating to the Excise
 ‘ passed for that Purpose, and were to be executed and carried

9 G. 4. c. 44.

‘ into effect in all Particulars, save and except as to the
‘ landing and Shipment of the said Commodities respectively,
‘ and the Collection and Payment of the Duties of Customs on
‘ the said respective Commodities, and the lodging of such
‘ Commodities in Warehouses without Payment of Duty, by
‘ the Commissioners of Excise and their Officers: And whereas
‘ since the passing of the said recited Act the taking and
‘ keeping the Account of and Survey of Stocks of Dealers in
‘ and Sellers of Coffee, Cocoa, Pepper, and Wine, and also the
‘ taking and keeping the Account of and Survey of the Stocks
‘ of Dealers in and Sellers of Tea, by the Officers of Excise,
‘ have been discontinued; and it is expedient further to dis-
‘ continue the Account and Survey of Stocks of Manufacturers
‘ of, Dealers in, and Retailers of Tobacco and Snuff, and to
‘ provide other Regulations in lieu thereof:’ Be it therefore
enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by
the Authority of the same, That an Act passed in the First
Year of the Reign of His Majesty King *George* the First, inti-
tuled *An Act to prevent the Mischiefs by manufacturing Leaves*
or other Things to resemble Tobacco, and the Abuses in making and
mixing of Snuff; an Act passed in the Twenty-ninth Year of
the Reign of His late Majesty King *George* the Third, intituled
An Act for repealing the Duties on Tobacco and Snuff, and for
granting new Duties in lieu thereof; an Act passed in the Thirtieth
Year of the Reign of His said late Majesty King *George* the
Third, intituled *An Act to explain and amend an Act made in the*
last Session of Parliament, intituled ‘ An Act for repealing the Duties
‘ on Tobacco and Snuff,’ and for granting new Duties in lieu thereof;
so much of an Act passed in the Fifty-ninth Year of the Reign
of His said late Majesty King *George* the Third, intituled *An*
Act for granting to His Majesty certain additional Duties of Excise
on Tea, Coffee, Cocoa Nuts, Tobacco and Snuff, Pepper, Malt, and
British Spirits, and consolidating the same with the former Duties
thereon, and for amending certain Laws of Excise relating thereto;
as relates to Tobacco and Snuff; an Act passed in the Second
Year of the Reign of His late Majesty King *George* the Fourth,
intituled *An Act for better securing the Duties of Excise on*
Tobacco; an Act passed in the Parliament of Ireland in the
Thirty-seventh Year of the Reign of His said late Majesty
King *George* the Third, intituled *An Act for regulating and*
extending the Tobacco Trade, and for securing the Duties payable
upon the Import and Manufacture of Tobacco; an Act also passed
in the Parliament of Ireland in the Fortieth Year of the Reign
of His said late Majesty King *George* the Third, for amending
and continuing the last-recited Act; an Act passed in the Fifty-
second Year of the Reign of His said late Majesty King *George*
the Third, intituled *An Act to grant to His Majesty certain Duties*
of Excise on Tobacco to be manufactured in Ireland; and to allow
certain Drawbacks in respect thereof, in lieu of former Duties of
Excise and Drawbacks; and to provide for the regulating and
securing

securing the Collection of the said Duties, shall be and the same are hereby repealed, save and except as to any Penalties or Forfeitures which may have been incurred under the said recited Acts or any or either of them respectively; all which Penalties and Forfeitures shall and may be sued for, recovered, and enforced in the same Manner as if this Act had not been passed.

II. And be it enacted, That every Manufacturer of and Dealer in and Retailer of Tobacco or Snuff in the United Kingdom shall make a true Entry of every Workhouse, Storehouse, Room, Shop, and Place by him made use of, or intended to be made use of, for the manufacturing, storing, keeping, and selling of Tobacco or Snuff, by delivering such Entry to the Officer of Excise in whose Survey his Manufactory or Premises shall be situated, and in every such Entry every Workhouse, Storehouse, Room, Shop, and Place shall be distinguished by a particular Number or Letter, or Number and Letter, or Letters; and every such Workhouse, Storehouse, Room, Shop, and Place shall also be kept marked and numbered with the like distinguishing Numbers or Letters, or Number and Letters, corresponding to the Description thereof in the Entry; and in default thereof such Manufacturer, Dealer, or Retailer shall, for every Workhouse, Storehouse, Room, Shop, or Place not entered, or not marked or numbered, forfeit One hundred Pounds, together with all Tobacco and Snuff found therein.

Manufacturers, Dealers, and Retailers of Tobacco or Snuff to enter their Premises with the Excise.

III. And be it enacted, That it shall be lawful for any Officer of Excise at any Time, but between the Hours of Ten of the Clock in the Evening and Six of the Clock in the Morning only, with the Assistance of a Constable or other Peace Officer, to enter into any Workhouse, Storehouse, Room, Shop, or Place made use of by any Manufacturer of, Dealer in, or Retailer of Tobacco or Snuff, for the manufacturing, keeping, or selling of any Tobacco or Snuff, and to inspect and examine all Tobacco and Snuff therein; and every Manufacturer of, Dealer in, and Retailer of Tobacco or Snuff, who shall, on Demand, refuse to show to any Officer of Excise any Tobacco or Snuff in his Custody or Possession, or shall conceal from the Sight or Inspection of any Officer of Excise any Tobacco or Snuff, shall forfeit Two hundred Pounds, together with all the Tobacco or Snuff so concealed.

Officers of Excise may enter Premises, and examine Tobacco and Snuff therein.

IV. And be it enacted, That no Manufacturer of Tobacco or Snuff shall receive into any Workhouse, Storehouse, Room, Shop, or Place, or into his Custody or Possession, any Leaf or unmanufactured Tobacco of any Description otherwise than from the Warehouse in which the same shall be warehoused under the Laws and Regulations of the Revenue of Customs; and in the same Hogsheads, Cask, Chest, or Package, with the same Marks and Numbers thereon, in which the same shall be cleared and delivered from such Warehouse, on Payment of the Duty (save and except in the Case of Samples duly ticketed and certified by the proper Officer of Customs), nor without a true and lawful Permit granted by the proper Officer of Excise,

Leaf or unmanufactured Tobacco not to be received into a Manufacturer's Stock, but from the Warehouse, and accompanied by a Permit.

under the Laws and Regulations of Excise relating to Permits, accompanying such Tobacco; and every Manufacturer of Tobacco or Snuff who shall receive or have in his Custody or Possession any Leaf or unmanufactured Tobacco, contrary to the Directions aforesaid, shall forfeit the same, and Two hundred Pounds for every such Offence.

Permit to be delivered up on the next Visit of the Officer.

V. And be it enacted, That every Manufacturer of Tobacco or Snuff who shall receive into his Custody or Possession any Leaf or unmanufactured Tobacco shall, on the next Visit of the Officer of Excise under whose Survey he shall be, produce and deliver up to such Officer the Permit which shall have accompanied such Tobacco, and shall also, if required, show to such Officer all such Tobacco, or in case of any Part thereof having been laid down for Manufacture before the Visit of the Officer, so much thereof as shall remain, on pain of forfeiting for every Omission or Neglect Two hundred Pounds, and all such Leaf or unmanufactured Tobacco.

No Leaf or unmanufactured Tobacco to be removed without a Permit.
2 & 3 W. 4.
c. 16.

VI. And be it enacted, That no Leaf or unmanufactured Tobacco of any Description, save and except such Samples as aforesaid, shall be carried or removed from any Part or Place in the United Kingdom to any other Place or Part thereof, without a true and lawful Permit granted by the proper Officer of Excise, under the Rules and Regulations of an Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to consolidate and amend the Laws regulating the granting and issuing Permits for the Removal of Goods under the Laws of Excise*, accompanying the same, under the Pains, Penalties, and Forfeitures in the said Act contained.

Tobacco Stalks not to be removed in any less Quantity than Fifty Pounds, nor without a Certificate.

repealed by
56 Geo 3. 9

VII. And be it enacted, That no Tobacco Stalks or Returns of Tobacco shall be removed from any Place in or Part of the United Kingdom to any other Place or Part thereof in any Quantity less than Fifty Pounds Weight, nor unless the Package containing the same shall have firmly and securely pasted or glued thereon a Certificate clearly written or printed, and signed by the Manufacturer by whom the same shall be sent out, or his Foreman or chief Workman on his Behalf, setting forth the Name of such licensed Manufacturer, and the entered Premises from which such Tobacco Stalks or Returns of Tobacco shall be sent out, the Weight of the same, the Day, Month, and Year on which the same shall be sent out, and the Name and entered Premises of the licensed Manufacturer to whom the same are to be delivered; and every Manufacturer of Tobacco who shall send out, deliver, or remove, or receive, any Tobacco or Returns of Tobacco in any less Quantity than aforesaid, or not contained in a Package having such Certificate as aforesaid firmly pasted or glued thereon, or who shall make out or use any false Certificate, shall forfeit One hundred Pounds; and all Tobacco Stalks or Returns of Tobacco which shall be sent out, delivered, or received, or be found removing, in any less Quantity than as aforesaid, or without such Certificate as aforesaid, shall be forfeited, and the Person removing or who shall have removed the same shall forfeit Fifty Pounds.

VIII. And

VIII. And be it enacted, That a Book, prepared with proper and distinct Columns for the Purpose, shall be delivered by the proper Officer of Excise to every Manufacturer of Tobacco or Snuff; and every such Manufacturer shall, on the same Day on which he shall receive any Leaf or unmanufactured Tobacco, or any Stalks or Returns of Tobacco, write and enter in such Book as aforesaid, in the proper Column prepared for such Purpose, the Day when and the Number of Pounds Weight of Leaf or unmanufactured Tobacco, Stalks, or Returns of Tobacco which he shall have so received, and the Christian and Surname of the Person from whom and the Place from which he shall have received the same; and every such Manufacturer shall keep such Book, with all Entries made therein, in some public and open Part of his entered Premises, for the Inspection of the Officers of Excise, and shall deliver up every such Book as aforesaid to any Officer of Excise demanding the same, and permit him to make any Minute therein or any Extract therefrom, which such Officer shall think fit; and every Manufacturer of Tobacco who shall receive any Leaf or unmanufactured Tobacco, Stalks, or Returns of Tobacco into his Custody or Possession, and shall not make Entry of the Particulars thereof as aforesaid within the Time herein-before required, or who shall not keep such Book as aforesaid, or shall not deliver up the same to any Officer of Excise, on Demand, or shall obstruct or hinder any Officer of Excise in making any Minute therein or Extract therefrom, or shall convey away or conceal the same, or destroy or tear out any Leaf therefrom, or make any false Entry therein, or fraudulently alter any Entry therein, shall forfeit Two hundred Pounds, together with all the Leaf or unmanufactured Tobacco, Stalks, or Returns of Tobacco of which due Entry shall not have been made in such Book.

A Book to be delivered to Manufacturers, who shall enter therein all Tobacco received, with the Name of the Person from whom received, &c.

Such Book to be open to Inspection.

Penalty for Default, 200*l*.

IX. ' And whereas the Duty imposed on Licences taken ' out by Manufacturers of Tobacco or Snuff is rated according to the Quantity of Tobacco and Snuff Work weighed out ' for Manufacture, and after the Commencement of this Act ' such Quantities will not be weighed, nor any Account thereof ' kept by the Officers of Excise;' be it therefore enacted, That every Manufacturer of Tobacco or Snuff shall, for every Licence to be taken out by him under the Provisions of an Act passed in the Sixth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act to repeal several Duties payable on Excise Licences in Great Britain and Ireland, and to impose other Duties in lieu thereof; and to amend the Laws for granting Excise Licences,* pay such Amount of Duty as shall, according to the Rates by the said Act imposed, appear to be payable in respect of the Quantity of Leaf or unmanufactured Tobacco, Stalks, and Returns of Tobacco shown by the Permits and by the Entries in the said Book to have been brought in or received by him in the Year previous to taking out such Licence.

The Licence Duty on the Manufacturer of Tobacco or Snuff to be rated on the Quantities entered for Manufacture.

6 G. 4. c. 81.

X. And be it enacted, That every Manufacturer of Tobacco or Snuff shall, at the Time of applying for his Licence in each

Manufacturer of Tobacco and Snuff, on Ap-

plication for
Licence, to pro-
duce his Book,
and make De-
claration of the
Truth of the
Entries therein.

5 & 6 W.4. c.62.

No Person to
cut, colour, or
manufacture
Leaves of Trees,
&c. to imitate
Tobacco.

*repealed by
586 V. 93011*

No Person to
hawk about
Tobacco or
Snuff for Sale.

*repealed by
586 V. 93012*

Penalty.

Officers may
arrest Offenders,
and convey
them before a
Justice of the
Peace, who
shall forthwith

each Year, produce to the Collector or other Officer of Excise authorized to grant Licences, the said Book herein-before required to be kept, with the Quantities of Leaf Tobacco, Stalks, and Returns of Tobacco received, as entered in the respective Columns, duly cast up and brought to Totals; and such Manufacturer shall, before being granted any new Licence, make before the said Collector or other Officer, who is hereby authorized to receive the same, a Declaration in Writing under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual 'Abolition of Oaths and Affirmations taken and made in various 'Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and 'extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths, setting forth and declaring that the said Book does contain a full, true, particular, and just Account of all Leaf or unmanufactured Tobacco, Stalks, and Returns of Tobacco of every Description received by him in the Year preceding the Fifth Day of July then last past; and if such Declaration shall be false or untrue in any Particular the Manufacturer making the same shall be subject to the Pains and Punishment prescribed by the said recited Act of the Fifth and Sixth Years of His late Majesty's Reign, for making a false and untrue Declaration.

XI. And be it enacted, That no Person whatsoever shall cut, colour, stain, or manufacture any Leaves of Trees, Herb, or Plant whatsoever (not being Tobacco Leaves or Plants) into the Form of or to imitate or resemble Tobacco, unmanufactured or manufactured, or shall mix with or add to any Tobacco any Leaves of Trees, Herb, or Plant not being Tobacco Leaves or Plants, or shall sell, vend, utter, or expose for Sale, or have in his Custody or Possession, any Leaves of Trees, Herb, or Plant cut, coloured, stained, or manufactured, or to be cut, coloured, stained, or manufactured into the Form or in imitation of or to resemble Tobacco, on pain of forfeiting One hundred Pounds, with all such Leaves, Herbs, or Plants, which may be seized by any Officer of Excise or Customs.

XII. And be it enacted, That no Person or Persons whatsoever shall hawk or sell, or offer for Sale, any Tobacco or Snuff of any Description, in or about the Streets or Highways or other Places, or in any other Manner or Place whatsoever, except in the entered Premises of a licensed Manufacturer or Dealer in or Retailer of Tobacco or Snuff, on pain of forfeiting all such Tobacco or Snuff, and One hundred Pounds; and it shall be lawful for any Officer of Excise or Customs to arrest and detain any Person who shall hawk or sell, or offer for sale, in manner aforesaid, any Tobacco or Snuff, and to convey such Person before One or more of Her Majesty's Justices of the Peace residing near to the Place where such Person

Person shall be arrested and detained; and the Justice or Justices before whom such Person shall be conveyed shall have full Authority and he and they is and are hereby required forthwith to hear and determine what shall be then and there alleged against such Person, and on Confession of the Party, or by Proof on Oath of One or more credible Witness or Witnesses made of such Offence, to convict any Person so offending as aforesaid, and the Person so convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount, not being less than One Fourth Part thereof; and if any Person so convicted shall not forthwith pay down the said Penalty or Amount the said Justice or Justices shall and he and they is and are hereby authorized and required, by Warrant under his or their Hand, to commit the Person so convicted to any Gaol or Prison of the County, there to be kept to hard Labour for Three Calendar Months: Provided always, that nothing herein-before contained shall extend to make liable to the said Penalty any Servant or Person duly employed by any licensed Manufacturer of or Dealer in Tobacco or Snuff to travel for Orders, and producing Samples, in the due and ordinary Course of Business.

hear the Case
and inflict or
mitigate the
Penalty.

Proviso for
Servants of
Dealers.

XIII. And be it enacted, That no Drawback shall be allowed on any Cut, Roll, or Carrot Tobacco containing any Tobacco Stalks, or which has not been wholly made from Tobacco Leaf having the Tobacco Stalk stripped and separated therefrom, or from such Leaf so stripped, and Returns of Tobacco Leaf so stripped, and without the Stalks thereof; and every Manufacturer of Tobacco who shall manufacture or have in his Custody or Possession any such Cut, Roll, or Carrot Tobacco for Exportation shall forfeit Two hundred Pounds; and all such Tobacco shall be forfeited, and may be seized by any Officer of Customs or Excise.

No Drawback
on Cut, Roll,
or Carrot
Tobacco con-
taining Stalks.

Penalty on
manufacturing
such for Ex-
portation.

XIV. And be it enacted, That no Drawback shall be allowed on any Tobacco which shall not have been wholly manufactured from Tobacco on which the full Duty on Importation shall have been paid, nor on any Tobacco which shall be mixed with any Dirt or Rubbish, or which shall be made or manufactured with, or to which shall be added any other Ingredients, Matter, or Thing not necessary or usual in the manufacturing of Tobacco.

No Drawback
on Tobacco not
properly manu-
factured.

XV. And be it enacted, That every Person who shall enter or ship, or cause to be entered or shipped, or produce or cause to be produced to any Officer of Customs to be shipped for Exportation, any Tobacco not entitled to Drawback under this or any other Act relating to Tobacco, or any other Goods, Matter, or Thing as Tobacco, the same not being Tobacco, or shall fraudulently remove, deposit, or conceal any Tobacco or other Goods, Matter, or Thing, with Intent unduly to obtain any Drawback on Tobacco, or any greater Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount

Penalty on
fraudulently
attempting to
obtain Draw-
back.

Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Customs; and all such Tobacco or other Goods, Matters, or Things shall be forfeited, and may be seized by any Officer of Customs or Excise.

Commencement
of Act.

XVI. And be it enacted, That this Act shall commence and take effect on the Fifth Day of *July* One thousand eight hundred and forty.

Act may be
altered this
Session.

XVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XIX.

An Act for granting to Her Majesty an additional Duty of Customs on Timber. [3d July 1840.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the
‘ Commons of the United Kingdom of *Great Britain* and
‘ *Ireland* in Parliament assembled, towards raising the neces-
‘ sary Supplies to defray Your Majesty’s public Expences and
‘ making an Addition to the public Revenue, have freely and
‘ voluntarily resolved to give and grant unto Your Majesty
‘ the several Rates and Duties herein-after respectively men-
‘ tioned;’ and do therefore most humbly beseech Your Majesty
that it may be enacted; and be it enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the
same, That from and after the Twenty-fifth Day of *June* One
thousand eight hundred and forty the additional Duty or
Charge of Five Pounds *per Centum* upon the Produce and
Amount of all the Duties of Customs on Timber, Wood, and
Wood Goods, imposed on all Descriptions of Timber, Wood,
and Wood Goods by an Act of the present Session of Parlia-
ment, shall cease and determine, and that in lieu thereof there
shall be charged, raised, levied, collected, and paid an additional
Duty of Customs, not exceeding the following Amounts, on the
Timber, Wood, and Wood Goods herein-after specified; (that
is to say,)

After 25th June
the additional
Duty of 5 per
Cent. on the
Amount of
Duties on Tim-
ber imposed by
3 Vict. c. 17.
to cease, and
the Amounts
following to be
levied.

On all Timber, Wood, or Wood Goods, which under any Law now in force are made chargeable with their respective Duties by the Load containing 50 Cubic Feet the Load	£	s.	d.
Battens imported into Great Britain; viz.—	0	1	6
—— 6 Feet in Length and not exceeding 16 Feet in Length, not above 7 Inches in Width, and not above 2½ Inches in Thickness - - - the 120	0	7	6
—— exceeding 16 Feet in Length and not exceeding 21 Feet in Length, not above 7 Inches in Width, and not exceeding 2½ Inches in Thickness - the 120	0	9	0

Battens imported into Great Britain—*continued.*

	£	s.	d.
— exceeding 21 Feet in Length and not exceeding 45 Feet in Length, not above 7 Inches in Width, and not exceeding $2\frac{1}{4}$ Inches in Thickness - the 120	1	1	0
— exceeding 45 Feet in Length, or above $2\frac{1}{4}$ Inches in Thickness (not being Timber 8 Inches Square), the Load containing 50 Cubic Feet - - -	0	1	6
Battens of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain; viz.—			
— 6 Feet in Length and not exceeding 16 Feet in Length, not above 7 Inches in Width, and not exceeding $2\frac{1}{4}$ Inches in Thickness - - the 120	0	7	6
— exceeding 16 Feet in Length and not exceeding 21 Feet in Length, and not above 7 Inches in Width, and not exceeding $2\frac{1}{4}$ Inches in Thickness the 120	0	9	0
— exceeding 21 Feet in Length, not above 7 Inches in Width, or if exceeding $2\frac{1}{4}$ Inches in Thickness the 120	0	12	0
Battens imported into Ireland; viz.—			
— 8 Feet in Length and not exceeding 12 Feet in Length, not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	6	0
— exceeding 12 Feet in Length and not exceeding 14 Feet in Length, not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	7	6
— exceeding 14 Feet in Length and not exceeding 16 Feet in Length, not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	9	0
— exceeding 16 Feet in Length and not exceeding 18 Feet in Length, not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	9	0
— exceeding 18 Feet in Length and not exceeding 20 Feet in Length, not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	10	6
— exceeding 20 Feet in Length and not exceeding 45 Feet in Length, and not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	1	5	6
— exceeding 45 Feet in Length, or above $3\frac{1}{4}$ Inches in Thickness (not being Timber 8 Inches Square), the Load containing 50 Cubic Feet - - -	0	1	6
— of all Sorts, exceeding 8 Feet in Length, of the Growth and Produce of any British Possession in America, and imported directly from thence into Ireland the 120	0	6	0
Batten Ends imported into Great Britain; viz.—			
— under 6 Feet in Length, not above 7 Inches in Width, and not exceeding $2\frac{1}{4}$ Inches in Thickness - - - the 120	0	1	6
— under 6 Feet in Length, not above 7 Inches in Width, and exceeding $2\frac{1}{4}$ Inches in Thickness the 120	0	3	0

Batten Ends of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain; viz.—		£	s.	d.
—————	under 6 Feet in Length, not above 7 Inches in Width, and not exceeding $2\frac{1}{4}$ Inches in Thickness — — — — the 120	0	1	6
—————	under 6 Feet in Length, not above 7 Inches in Width, and exceeding $2\frac{1}{4}$ Inches in Thickness the 120	0	3	0
Batten Ends imported into Ireland; viz.—				
—————	under 8 Feet in Length, not above 7 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	4	6
—————	under 8 Feet in Length, if exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	6	0
—————	of all Sorts under 8 Feet in Length, of the Growth and Produce of any British Possession in America, and imported directly from thence into Ireland — — — — the 120	0	4	6
Deals imported into Great Britain; viz.—				
———	above 7 Inches in Width, being 6 Feet in Length and not above 16 Feet in Length, and not exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	10	6
———	above 7 Inches in Width, above 16 Feet in Length and not above 21 Feet in Length, and not exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	15	0
———	above 7 Inches in Width, above 21 Feet in Length and not above 45 Feet in Length, and not above $3\frac{1}{4}$ Inches in Thickness — — — — the 120	1	11	6
———	above 45 Feet in Length, or above $3\frac{1}{4}$ Inches in Thickness (not being Timber 8 Inches Square or upwards), the Load containing 50 Cubic Feet — — — —	0	1	6
Deals of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain; viz.—				
———	above 7 Inches in Width, being 6 Feet in Length and not exceeding 16 Feet in Length, and not exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	10	6
———	above 7 Inches in Width, above 16 Feet in Length and not above 21 Feet in Length, and not exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	15	0
———	above 7 Inches in Width, being 6 Feet in Length and not above 21 Feet in Length, and exceeding $3\frac{1}{4}$ Inches in Thickness — — — — the 120	0	16	6
———	above 7 Inches in Width, exceeding 21 Feet in Length, and not exceeding 4 Inches in Thickness — the 120	1	1	0
———	above 7 Inches in Width, exceeding 21 Feet in Length, and exceeding 4 Inches in Thickness (not being Timber 8 Inches Square or upwards) — the 120	1	7	0

Deals imported into Ireland; viz.

	£	s.	d.
— above 7 Inches in Width and not exceeding 12 Inches in Width, and not exceeding $3\frac{1}{4}$ Inches in Thickness; viz.—			
— 8 Feet in Length and not exceeding 12 Feet in Length, the 120	0	10	6
— exceeding 12 Feet in Length and not exceeding 14 Feet in Length - - - - the 120	0	13	6
— exceeding 14 Feet in Length and not exceeding 16 Feet in Length - - - - the 120	0	15	0
— exceeding 16 Feet in Length and not exceeding 18 Feet in Length - - - - the 120	0	16	6
— exceeding 18 Feet in Length and not exceeding 20 Feet in Length - - - - the 120	0	19	0
— above 7 Inches in Width and not exceeding 12 Inches in Width, and exceeding $3\frac{1}{4}$ Inches in Thickness; viz.—			
— 8 Feet in Length and not exceeding 20 Feet in Length, the 120	1	2	6
— above 7 Inches in Width and not exceeding 12 Inches in Width, and not exceeding 4 Inches in Thickness, and exceeding 20 Feet in Length - - the 120	1	4	0
— above 7 Inches in Width and not exceeding 12 Inches in Width, and exceeding 4 Inches in Thickness, and exceeding 20 Feet in Length - - the 120	2	8	0
— of all Sorts, exceeding 8 Feet in Length, of the Growth and Produce of any British Possessions in America, and imported directly from thence into Ireland, the 120	0	10	6

Deal Ends imported into Great Britain; viz.—

— above 7 Inches in Width, being under 6 Feet in Length, and not exceeding $3\frac{1}{4}$ Inches in Thickness - - - - the 120	0	3	0
— above 7 Inches in Width, being under 8 Feet in Length, and exceeding $3\frac{1}{4}$ Inches in Thickness the 120	0	4	6

Deal Ends of the Growth and Produce of any British Possession in America, and imported directly from thence into Great Britain; viz.—

— above 7 Inches in Width, being under 6 Feet in Length, and not exceeding $3\frac{1}{4}$ Inches in Thickness - - - - the 120	0	3	0
— above 7 Inches in Width, being under 6 Feet long, and exceeding $3\frac{1}{4}$ Inches in Thickness the 120	0	4	6

Deal Ends imported into Ireland; viz.—

— above 7 Inches in Width and not exceeding 12 Inches Width, and under 8 Feet in Length; viz.—			
— not exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	7	6
— exceeding $3\frac{1}{4}$ Inches in Thickness - the 120	0	9	0
— of all Sorts under 8 Feet in Length, of the Growth and Produce of any British Possession in America, and imported directly from thence into Ireland - - - - the 120	0	7	6

Duties to be under the Management of the Commissioners of Customs, &c.

II. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, and paid, and recovered and applied or appropriated, under the Provisions of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the general Regulation of the Customs*.

Providing for Contracts made before the Imposition of additional Duties.

III. ' And whereas Contracts may have been made before ' the Fifth Day of *June* One thousand eight hundred and forty, ' for Goods on which the additional Duties of Customs hereby ' imposed will attach to be delivered on or after that Day; ' be it therefore enacted, That all and every Person and Persons who shall or may, on or before the said Fifth Day of *June* One thousand eight hundred and forty, have made or entered into any such Contracts or Agreements, shall and they are hereby respectively authorized and empowered, in the Case of any such Contracts or Agreements, to add so much Money as will be equivalent to the said additional Duties respectively to the Price of such Goods, and shall be entitled by virtue of this Act to be paid for the same accordingly.

Commencement of Act.

IV. And be it enacted, That this Act shall commence and be in force from and after the Twenty-fifth Day of *June* One thousand eight hundred and forty.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XX.

An Act to amend an Act passed in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act for rendering more effectual Her late Majesty's gracious Intentions for the Augmentation of the Maintenance of the Poor Clergy*; and to render valid certain Agreements which have been made in pursuance of the said Act; and for other Purposes. [3d July 1840.]

Letters Patent, 3d Nov., 3 Anne, incorporating the Governors of the Bounty of Queen Anne.

' WHEREAS by Letters Patent of Her Majesty Queen ' *Anne*, under the Great Seal of *England*, bearing Date ' the Third Day of *November* in the Third Year of Her Reign, ' incorporating " The Governors of the Bounty of Queen *Anne* ' for the Augmentation of the Maintenance of the Poor ' Clergy," the said Governors were authorized to consider, ' consult, advise, agree upon, draw up, prepare, and propose ' in Writing to Her said Majesty, Her Heirs and Successors, ' such proper and necessary Rules, Methods, Directions, Orders, ' and Constitutions as the said Governors, or any Seven or ' more of them, with such Quorum as is therein directed, should ' in their Discretion judge most convenient to be observed for ' and

' and towards the better Rule and Government of the said
 ' Corporation and the Members thereof, and the receiving,
 ' accounting for, and managing all and every the Revenues
 ' thereby granted, and all Arrears thereof, and also for and
 ' concerning the distributing, paying, and disposing of the same,
 ' and all other Gifts and Benevolences that should or might be
 ' given or bequeathed to the said Corporation for the charitable
 ' Ends in the said Letters Patent mentioned for the Augmen-
 ' tation of the Maintenance of the Poor Clergy aforesaid, and
 ' that such Rules, Methods, Orders, Directions, and Consti-
 ' tutions as should be so proposed, and should be approved,
 ' altered, or amended by Her said Majesty, Her Heirs or Suc-
 ' cessors, and such as should be made by Her said Majesty,
 ' Her Heirs or Successors, and so signified and declared by
 ' Her, Her Heirs or Successors, under Her or Their Great
 ' Seal, Her said Majesty thereby willed should be the Rules,
 ' Methods, Directions, Orders, and Constitutions by which the
 ' Governors of the Bounty of Queen *Anne* for the Augmen-
 ' tation of the Maintenance of the Poor Clergy, and their Suc-
 ' cessors, should receive, manage, govern, apply, and dispose
 ' Her said Majesty's Royal Bounty, and other Gifts and Bene-
 ' volences which should or might after that Time be given
 ' or bequeathed to the said Corporation (where the Donors
 ' thereof should not particularly direct the Application thereof);
 ' to and for the Increase of the Maintenance of such Parsons,
 ' Vicars, Curates, and Ministers officiating in any Church or
 ' Chapel within the Kingdom of *England*, Dominion of *Wales*;
 ' or Town of *Berwick-upon-Tweed*, where the Liturgy and Rites
 ' of the Church of *England*, as then by Law established, were
 ' and should be used and observed, for whom a Maintenance
 ' was not then sufficiently provided: And whereas, pursuant to
 ' the said Letters Patent of Incorporation, the said Governors
 ' did agree upon, prepare, and propose to Her said Majesty
 ' certain Rules and Constitutions, for the better Rule and
 ' Government of the said Corporation, the Fourth of which
 ' said Rules and Constitutions was to the Effect following;
 ' (that is to say,) that in order to encourage Benefactions from
 ' others, and thereby the sooner to complete the Good that was
 ' intended by Her said Majesty's Bounty, the Governors might
 ' give the Sum of Two hundred Pounds (which was the stated
 ' Sum to be allowed to each Cure) to Cures not exceeding
 ' Thirty-five Pounds *per Annum*, where any Persons would give
 ' the same or greater Sum or Value in Lands or Tithes; and
 ' Her said Majesty, by Letters Patent under Her Great Seal,
 ' bearing Date the Fifth Day of *March* in the Twelfth Year of
 ' Her Reign, did establish the said Rules and Constitutions,
 ' reserving to Herself, Her Heirs and Successors, Power from
 ' Time to Time, under Her or Their Great Seal, to alter the
 ' same, and to give and make in like Manner such other Rules
 ' and Constitutions, according to the true Intent of the said
 ' Letters Patent of Incorporation, as to Her said Majesty, Her
 ' Heirs or Successors, should seem meet: And whereas by an
 ' Act

Rules prepared
 by the Gover-
 nors according
 to the said
 Letters Patent.

1 G. 1. c. 10.

' Act passed in the First Year of the Reign of His Majesty
 ' King George the First, intituled *An Act for making more*
 ' *effectual Her late Majesty's gracious Intentions for augmenting the*
 ' *Maintenance of the Poor Clergy*, after reciting (amongst other
 ' things) the said several Letters Patent of Her said Majesty,
 ' it was enacted and declared, that all such Rules, Methods,
 ' Orders, Directions, and Constitutions as should from Time to
 ' Time be by the said Governors agreed upon, prepared, and
 ' proposed to His said Majesty, His Heirs and Successors,
 ' according to the true Intention of the said Letters Patent of
 ' Incorporation, and by His said Majesty, His Heirs and Suc-
 ' cessors, approved under His or Their Sign Manual, should
 ' be as good, valid, and effectual Rules, Methods, Directions,
 ' Orders, and Constitutions for the Purposes aforesaid as if the
 ' same were made and established under the Great Seal of His
 ' said Majesty, His Heirs or Successors; and by the same Act,
 ' after reciting the said Fourth Rule or Constitution established
 ' by the said Letters Patent of the Fifth Day of *March* in the
 ' Twelfth Year of Her said Majesty's Reign, and that the
 ' Right of Presentation or Nomination to small Livings was of
 ' inconsiderable Value, and yet it might be a great Inducement
 ' to such Benefactions as aforesaid if the Benefactor might have
 ' some Right of Presentation or Nomination to the Cure which
 ' himself contributed to augment, it was therefore further
 ' enacted, that all Agreements with such Benefactor and Bene-
 ' factors, with the Consent and Approbation of the said Go-
 ' vernors, touching the Patronage or Right of Presentation or
 ' Nomination to any such augmented Cure made or to be
 ' made for the Benefit of such Benefactor and Benefactors, his,
 ' her, or their Heirs or Successors, by the King's most Excel-
 ' lent Majesty, His Heirs and Successors, under His and Their
 ' Sign Manual, or by any Bodies Politic or Corporate, or by
 ' any Person or Persons being of the full Age of Twenty-one
 ' Years, having an Estate of Inheritance either in Fee Simple
 ' or Fee Tail in their own Right, or in the Right of their
 ' Churches or Wives, or jointly with their Wives, made before
 ' Coverture or after, or having an Estate for Life or for Years
 ' determinable upon his and their own Life and Lives, with
 ' Remainder in Fee Simple or Fee Tail to any Issue of his or
 ' their own Bodies, in such Patronage or Right of Presentation
 ' or Nomination, in Possession, Reversion, or Remainder, should
 ' be respectively good and effectual in the Law against His
 ' Majesty, His Heirs and Successors, or against all and every
 ' such Bodies Politic and Corporate, or against the Person so
 ' agreeing, their Wives, Heirs, and Successors respectively, and
 ' every of them, and against all and every their Issue, and
 ' against every other Person and Persons claiming in Remainder
 ' and Reversion after such Estate Tail as aforesaid, according
 ' to the Form of such Agreement, and the Advowson, Patron-
 ' age, and Right of Presentation and Nomination to such aug-
 ' mented Churches and Chapels should be vested in such Bene-
 ' factors, their Heirs and Successors, as against His Majesty,
 ' His

' His Heirs and Successors, or the said Bodies Politic and
 ' Corporate and their Successors, or the said respective Persons
 ' as aforesaid, as fully, and in like Manner and Form, as if the
 ' same had been granted by His said Majesty, His Heirs or
 ' Successors, under His and Their Great Seal, and as if such
 ' Bodies Politic or Corporate had been free from any Restraint,
 ' and as if such other Persons so agreeing had been sole seised
 ' in his and their own Right of such Advowson, Patronage,
 ' Right of Presentation, and Nomination in Fee Simple, and
 ' had granted the same to such Benefactors, their Heirs and
 ' Successors respectively, according to such Agreements; and it
 ' was thereby further enacted, that the Agreements of Guar-
 ' dians for and on behalf of Infants or Idiots under their Guar-
 ' dianship should be as good and effectual, to all Intents and
 ' Purposes, as if the said Infants or Idiots had been of full Age
 ' and of sound Mind, and had themselves entered into such
 ' Agreements; provided always, that in case of any such Agree-
 ' ment as aforesaid by any Parson or Vicar, the same should
 ' be with the Consent and Approbation of his Patron and
 ' Ordinary; provided also, that in case of any such Agreement
 ' as aforesaid made by any Person seised in right of his Wife,
 ' the Wife should be a Party to the Agreement, and should
 ' seal and execute the same: And whereas under the Provisions
 ' of the herein-before recited Letters Patent and Act of Par-
 ' liament, or some or one of them, divers Rules, Orders, and
 ' Constitutions have been from Time to Time made, whereby
 ' the Power of the said Governors to augment Cures to the
 ' Augmentation of which any Benefactor or Benefactors should
 ' also contribute as aforesaid has from Time to Time been en-
 ' larged and extended, both with respect to the Amount of the
 ' yearly Value of the Cures which the said Governors were
 ' empowered to augment, and with respect to the Amount which
 ' the said Governors were empowered to appropriate out of the
 ' Funds at their Disposal towards such Augmentation, and such
 ' Power so enlarged and extended has in many Cases been
 ' exercised by the said Governors, and in some of such Cases
 ' Agreements have been made with the Benefactor or Bene-
 ' factors contributing to such Augmentations touching the
 ' Patronage or Right of Presentation or Nomination to such
 ' augmented Cures, according to the Provision of the said
 ' recited Act: And whereas Doubts have arisen whether Ap-
 ' propriations made by the said Governors for the Augmen-
 ' tation of any Cure were strictly authorized by the Rules,
 ' Orders, and Constitutions for the Time being in force, in
 ' those Cases in which the Amount so appropriated to any
 ' Cure by the said Governors has exceeded in any One Year
 ' the Sum of Two hundred Pounds; and Doubts have also
 ' arisen whether the Agreements made with such Benefactor or
 ' Benefactors as aforesaid are strictly valid and effectual in
 ' those Cases in which the yearly Value of the augmented Cure
 ' has previously to such Augmentation exceeded the Sum of
 ' Thirty-five Pounds, or the Amount so appropriated by the

Rules have been
 altered and
 extended.

‘ said Governors as aforesaid has exceeded in any One Year
 ‘ the Sum of Two hundred Pounds: And whereas it is expe-
 ‘ dient to remove and obviate all such Doubts as aforesaid,
 ‘ both with respect to Appropriations made by the said Go-
 ‘ vernors, and with respect to Agreements made and to be
 ‘ made with any such Benefactor or Benefactors as aforesaid:’
 Be it therefore enacted by the Queen’s most Excellent Ma-
 jesty, by and with the Advice and Consent of the Lords Spiritual
 and Temporal, and Commons, in this present Parliament as-
 sembled, and by the Authority of the same, That all Appro-
 priations heretofore made by the said Governors of any Sum or
 Sums of Money out of the Monies at their Disposal to the
 Augmentation of any Cure shall be good, valid, and effectual,
 to all Intents and Purposes whatsoever, in all Cases in which
 any Benefactor or Benefactors has or have, in order to obtain
 any such Appropriation for the Augmentation of the same
 Cure, contributed not less than the Amount of Benefaction
 which was at the Time of any such Augmentation required in
 that Behalf by the Rules, Orders, and Constitutions then in
 force, notwithstanding that the Sum or Sums so appropriated
 by the said Governors to the Augmentation of such Cure shall
 have exceeded in any One Year the Sum of Two hundred
 Pounds.

Certain Appropria-
 tions made by the Gover-
 nors confirmed.

Certain Agree-
 ments made by
 the Governors
 confirmed, and
 Provisions of
 recited Act
 extended.

II. And be it further enacted, That all Agreements already
 made and hereafter to be made, with such Consent and Appro-
 bation of the Patron and Ordinary as required by the said
 recited Act, and with the Consent and Approbation of the said
 Governors, with any Benefactor or Benefactors contributing
 to the Augmentation of any Cure, touching the Patronage or
 Right of Presentation or Nomination to such augmented Cure,
 for the Benefit of such Benefactor or Benefactors, his, her, or
 their Heirs or Successors, according to the Provisions of the
 said recited Act, and all Grants and Assurances made and to
 be made for carrying such Agreements into effect, shall be
 good, valid, and effectual in the Law, to all Intents and Pur-
 poses whatsoever, in all Cases in which the yearly Value of the
 augmented Cure shall have been or shall be within the Limits
 prescribed for the same by the Rules, Orders, and Constitu-
 tions which shall have been or shall be in force at the Time of
 making such Agreements respectively as aforesaid, notwith-
 standing that such yearly Value shall have exceeded or shall
 exceed the Sum of Thirty-five Pounds, or that the Amount
 appropriated by the said Governors out of the Monies at their
 Disposal to the Augmentation of such Cure shall have exceeded
 or shall exceed in any One Year the Sum of Two hundred
 Pounds, or that such yearly Value and also the Amount so
 appropriated shall both have exceeded or shall both exceed
 the same several Sums respectively: Provided nevertheless, that
 so far as relates to such Agreements as aforesaid the Amount
 of all Appropriations hereafter to be made by the said Gover-
 nors to the Augmentation of any Cure shall be within the Limits
 prescribed for the same by the Rules, Orders, and Constitutions
 which

Amount of
 Appropriations
 hereafter to be
 made shall be
 within the Limit
 prescribed by

which shall be in force at the Time of making such Agreements respectively as aforesaid.

Rules in force at the Time.

III. ' And whereas it is expedient to extend the Provisions of the said recited Act, with respect to such Agreements as aforesaid, to Cases in which no Appropriation shall be made by the said Governors out of the Funds at their Disposal to the Augmentation of the Cures to which such Agreements shall respectively relate,' be it therefore further enacted, That all Agreements hereafter to be made, with such Consent and Approbation of the Patron and Ordinary, as required by the said recited Act, and with the Consent and Approbation of the said Governors, with any Benefactor or Benefactors contributing to or providing for the Augmentation of any Cure, touching the Patronage or Right of Presentation or Nomination to such Cure, for the Benefit of such Benefactor or Benefactors, his, her, or their Heirs or Successors, according to the Provisions of the said recited Act, and all Grants and Assurances to be made for carrying such Agreements into effect, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, in all Cases in which the yearly Value of such Cure shall be within the Limits prescribed for the same by the Rules, Orders, and Constitutions which at the Time of making such Agreements respectively as aforesaid shall be in force with respect to Cures for the Augmentation of which Appropriations to meet Benefactions may be made by the said Governors out of the Funds at their Disposal, notwithstanding that in any of such Cases no Appropriation whatsoever shall be made by the said Governors out of the Funds at their Disposal to the Augmentation of the Cure to which such Agreements as aforesaid shall respectively relate.

Provisions of 1 G. 1. c. 10. extended to this Act in Cases where no Appropriation shall be made by the Governors.

IV. And be it further enacted, That every Cure touching the Patronage or Right of Nomination to which any such Agreement as aforesaid with any Benefactor or Benefactors shall be made for the Benefit of such Benefactor or Benefactors, his, her, or their Heirs or Successors, though no Appropriation whatsoever to the said Cure for the Augmentation thereof shall be made by the said Governors out of the Funds at their Disposal, shall, from and immediately after the Completion of such Agreement, be deemed and considered in Law, in all respects, and to all Intents and Purposes whatsoever, as a Cure augmented by the said Governors, and the same, and the Minister or Incumbent thereof, and his Successors, shall be subject and liable to all the Laws, Rules, and Regulations relating to or concerning Cures augmented by them and the Ministers or Incumbents thereof.

On Completion of an Agreement for Transfer of Patronage of a Cure to a Benefactor, though no Appropriation be made by the Governors, the Cure to be considered as one augmented by them.

V. ' And whereas by an Act passed in the Second and Third Years of the Reign of Her present Majesty (Chapter Forty-nine), intituled *An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other Purposes*, after reciting that it was expedient to make Provision for the more permanent Security of the Endow-

2 & 3 Vict. c. 49.

ments and Emoluments which should have been or might thereafter be provided for the Use or Benefit of any Church or Chapel, whether built, acquired, or appropriated, or to be built, acquired, or appropriated, under the Authority of certain Acts therein recited or referred to, or of any of them, or under any other Authority, or for the Use or Benefit of the Incumbent of any such Church or Chapel, or of the Spiritual Person serving the same, it was enacted, that it should and might be lawful for the said Governors of the Bounty of Queen *Anne* to accept, take, and hold any such Endowments and Emoluments upon the Trusts and for the Intents and Purposes for which the same should have been or might thereafter be given or granted by the Person or Persons providing the same, in like Manner as any such Endowments or Emoluments might then be taken or held by any private Trustees or Trustee; and that it should and might be lawful for any Trustees or Trustee of any such Endowments or Emoluments to assign and transfer the same to the said Governors of the Bounty of Queen *Anne*, to be held and applied by them upon the same Trusts and for the same Intents and Purposes as the same previously to such Assignment and Transfer were held by such Trustees or Trustee: And whereas it is expedient to make such further Provision as is herein-after contained for the Application and Disposition of all Endowments and Emoluments accepted by or assigned to or to be accepted by or assigned to the said Governors under the aforesaid Provisions of the last-recited Act; be it therefore further enacted, That all Endowments and Emoluments whatsoever already accepted or taken by or assigned or transferred to, or to be hereafter accepted or taken by or assigned or transferred to, the said Governors, under the aforesaid Provisions of the last-recited Act, and the Money, Stocks, Parliamentary or other Funds or Securities, Land, Hereditaments, or other Property of which the same respectively may consist, shall, so far as Circumstances will permit, and subject and without Prejudice to the Trusts, Intents, and Purposes upon and for which the same shall have been given or granted by the Person or Persons providing the same, be appropriated by the said Governors to the particular Benefice for which the same respectively shall have been provided, and be applicable and disposable by them for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Investment in the Purchase of Land, and Exchange for other Lands and Hereditaments, and otherwise, and other Powers and Authorities, in all respects, according to the Rules, Orders, and Constitutions for the Time being in force for the Management of the Bounty of Queen *Anne*, as if the Money, Stock, Land, Hereditaments, or other Property of which such Endowments and Emoluments may respectively consist had been originally provided or appropriated by the said Governors out of the Funds at their Disposal for the Benefit and Augmentation of the same Benefice.

Endowments accepted under the last-recited Act by the Governors to be (except in special Cases) subject to the same Rules as if they had been appropriated by the Governors.

CAP. XXI.

An Act to extend to the *British Colonies in the West Indies* an Act passed in the Fifth and Sixth Year of His late Majesty King *William the Fourth*, for regulating the Carriage of Passengers in Merchant Vessels.

[3d July 1840.]

*repealed by
5 & 6 W. 4*

‘WHEREAS it is expedient that the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the British Possessions on the Continent and Islands of North America; and to make further Provision for the regulating the Carriage of Passengers from the United Kingdom*, should be extended (except as herein-after excepted) to the Carriage of Passengers from Her Majesty’s Dominions in the *West Indies* and *South America*, or from the *Bahama Islands*, or from *Bermuda*:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act (except as herein-after excepted) shall be and the same is hereby extended to and shall be and the same is hereby declared to be in force in the *British Colonies in the West Indies and South America*, and in the *Bahama Islands*, and in *Bermuda*, in like Manner and as fully in all respects as the same is in force in the United Kingdom; and that all and every the Rules and Regulations required by the said recited Act to be observed in the Case of any Ship carrying Passengers from any Port or Place in the United Kingdom shall, except as herein-after excepted, be observed in the Case of every Ship carrying Twenty or more Passengers from any Port or Place in the *British Colonies in the West Indies and South America*, or in the *Bahama Islands*, or in *Bermuda*.

Provisions of
5 & 6 W. 4.
c. 53. extended
to the British
Colonies in the
West Indies and
South America,
and in the Ba-
hama Islands,
and in Ber-
muda, except
as hereafter
mentioned.

II. Provided nevertheless, and be it enacted, That if at any of the Ports or Places aforesaid within the said *British Colonies*, or in the *Bahama Islands*, or in *Bermuda*, there should not be a Comptroller of Customs, then the Collector or the Chief Officer of Customs shall and may, for the Purposes of this Act, discharge all and every the Duties required by the before-recited Act to be discharged by the Officers of the Customs, or the Collector and Comptroller of the Customs, at any Port in the United Kingdom.

Collector or
Chief Officer of
Customs in the
said Colonies to
perform the
Duties if there
be no Comptrol-
ler.

III. And be it enacted, That it shall be lawful for the Governor, or Officer administering the Government, of any of the *British Colonies in the West Indies and South America*, and in the *Bahama Islands*, or *Bermuda*, by any Proclamation or Proclamations to be by him from Time to Time issued for that

The Governor,
&c. may issue
Proclamation
substituting
other Articles
of Food, &c.
than those spe-

cified in recited Act, if equivalent to the same.

Purpose, to substitute for the Articles of Food and Provisions specified in the said recited Act such other Articles of Food and Provisions as shall be a full Equivalent for the same, having regard to the average Duration of the Voyage, and to the Number of the Passengers to be conveyed in any such Ship, in such Manner that the Proportion prescribed in the said recited Act between the probable Number of Days to be occupied by the Voyage and the Number of Days during which Provision is made for the Subsistence of the Passengers shall be duly preserved.

Proclamation to be transmitted for Her Majesty's Confirmation or Disallowance.

IV. Provided always, and be it enacted, That every such Proclamation as aforesaid shall be transmitted by the Governor or Officer by whom the same may have been issued to Her Majesty, [through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance; and in case the same shall be disallowed, by any Order to be made by Her Majesty for that Purpose with the Advice of Her Privy Council, then from and after the Promulgation of any such Order in Council within any such Colony any such Proclamation shall cease to be of any Force or Authority; but until so disallowed the same shall be duly observed and obeyed: Provided also, that on the Production, at any One of the Colonies aforesaid, of an attested Copy of any such Proclamation as aforesaid, under the Hand of the Governor or the Officer administering the Government of the Colony wherein the same may have been issued, and under the Public Seal of such Colony, such attested Copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient Evidence of the issuing and of the Contents of any such Proclamation.

Attested Copy of such Proclamation to be received as Evidence in the Colony in which it may be produced.

Powers of recited Act for Recovery of Fines, &c. extended to said Colonies.

V. And be it enacted, That the Powers vested by the said recited Act in the Courts, Magistrates, and Justices of the Peace of the United Kingdom, for the Recovery of any Fines, Penalties, or Forfeitures incurred under the said Act, shall be and the same are hereby vested in the Courts, Magistrates, and Justices of the Peace in Her Majesty's said Settlements or Colonies respectively.

Powers for determining the Seaworthiness of any Ship vested in Governors, &c.

VI. And be it enacted, That all the Powers and Authorities which in and by the said recited Act are vested in the Collector and Comptroller of the Customs, for determining the Seaworthiness of any Ship carrying Passengers from any Port in the United Kingdom, shall, in respect of any Ship carrying Passengers from any Port in any of the Colonies aforesaid, be and the same are hereby vested in the respective Governors or Officers administering the Government of the said Colonies respectively.

This Act not to prevent the Enactment by Colonial Assemblies, or by Her Majesty in Council, of Laws necessary for establishing

VII. And be it enacted, That nothing in this Act contained extends or shall be construed to extend to prevent the Enactment by the respective Governors, Councils, and Assemblies, or other Local Legislatures, in the *British West Indies* and *South America*, and in the *Bahama Islands*, and in *Bermuda*, or by Her Majesty, with the Advice of Her Privy Council, of any such Acts of General Assembly, or Ordinances, or Orders in Council,

as

as may be requisite for making and establishing such several Rules and Regulations as are required by the said recited Act and by this present Act, or any of them, or for carrying the same into full and complete Effect: Provided nevertheless, that it shall not be lawful for any such Governor, Council, and Assembly, or for any such Local Legislature, or for Her Majesty in Council, by any such Acts of Assembly, Ordinances, or Orders in Council as aforesaid, to make or establish any Enactment, Provision, Rule, or Order which shall be in anywise repugnant or contradictory to the said recited Act and to this present Act, or any Part thereof, but that every such Enactment, Regulation, Provision, Rule, or Order shall be and is hereby declared to be absolutely null and void, and of no Effect.

the Rules and Regulations required by said recited Act and this Act.

CAP. XXII.

An Act to impose upon Broad or Spread Glass the same Duties of Excise that are payable upon German Sheet Glass. [3d July 1840.]

809/26

‘ WHEREAS an Act was passed in the Second Year of Her Majesty’s Reign, intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass*, whereby, amongst other things, a Duty of Excise of One Pound Ten Shillings was imposed upon every Hundred Weight of Spread Window Glass commonly called or known as Broad Glass, and also a Duty of Three Pounds Thirteen Shillings and Sixpence on every Hundred Weight of Crown Glass and German Sheet Glass: And whereas an Act was passed in the Third Year of Her Majesty’s Reign, intituled *An Act to remove Doubts as to the charging certain of the Duties of Excise on Glass*, in order to prevent other Glass than Broad Glass being charged at the said Duty of One Pound Ten Shillings, and exported when cut up at a higher Rate of Drawback than the same would be entitled to according to the Duty paid: And whereas the said last-recited Act has not been found sufficient to prevent the Mischief therein recited; and it is therefore necessary to repeal the said Duty of One Pound Ten Shillings the Hundred Weight payable on Broad or Spread Glass, and to subject such Glass to the same Rate of Duty as is charged and paid on German Sheet Glass, and to alter the Drawbacks accordingly; and it is also expedient to amend the said first-recited Act, and to repeal the said last-recited Act:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fifteenth Day of August One thousand eight hundred and forty the said Duty of One Pound Ten Shillings for every Hundred Weight of Broad or Spread Glass shall cease and determine, save and except as to any Arrears thereof; and

1 & 2 Vict. c. 44.

2 & 3 Vict. c. 25.

The Duty of 1l. 10s. per Cwt. on Broad Glass to cease, and in lieu thereof all Broad Glass to be charged 3l. 13s. 6d. the Cwt.

in lieu thereof all Broad or Spread Glass shall be charged with and pay the same Amount of Duty for every Hundred Weight thereof as by Law is payable on German Sheet Glass made and manufactured in the United Kingdom.

Drawbacks on German Sheet Glass to be allowed on Broad Glass exported.

II. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-one there shall be allowed and paid, on all Broad or Spread Glass exported as Merchandize under the Provisions of the said first-recited Act, the same Drawbacks as are allowed and paid on German Sheet Glass, according as the same may be exported in Whole or Half or Quarter Tables or Sheets, or be cut into Panes.

Makers of Broad, Crown, and German Sheet Glass to give in their Declaration the Spaces occupied and unoccupied by each Pile of Tables or Sheets in the annealing Arch.

III. And be it enacted, That in every Case where any Spread or Broad Glass, Crown Glass, or German Sheet Glass shall be deposited or placed in the annealing Arch or Oven in Two or more Rows or Piles of Tables or Sheets, the Maker of such Glass shall, in the Declaration by the said first-recited Act required of the true Number of Tables or Sheets deposited, and the Spaces occupied and unoccupied by such Glass, specify the true Number of Inches in Length occupied by each Row or Pile of Tables or Sheets, from the Back or Bottom of the annealing Arch or Oven to the first or front Table or Sheet of Glass of each such Pile or Row respectively, and the Number of Inches unoccupied between such first or front Table or Sheet of each Row or Pile of Glass respectively, and the Grating at the Mouth of the Arch; and if any Variation in the Proportions in the said Act specified shall be found in the whole Number of the Tables or Sheets of Glass deposited and declared, or in the Number of Inches declared as occupied or unoccupied by any One Row or Pile of Glass, the Penalties by the said Act imposed shall, according to the Circumstances of the Case, be incurred.

Cylinders and other Goods not being Shades shall not be deposited in the Room for unannealed Shades, or included in the Declaration.

IV. And be it enacted, That no Maker of German Sheet Glass shall, in the Declaration of the Number of Shades made in any Journey or Making, include any Cylinder cropt or prepared as for being opened and flattened; and no Articles shall be deemed to be Shades, or be allowed to be deposited in the Room for unannealed Goods, or declared as Shades, but such as are closed at one End, and were commonly known as Shades before the passing of the said first-recited Act; and all Cylinders and other Glass not being Shades which shall be deposited in the Room of Shades not requiring to be annealed, or be included in any such Declaration, shall be forfeited.

1 & 2 Vict. c. 44. s. 60. repealed.

V. And be it enacted, That so much of the said first-recited Act as enacts "that no Spread or Broad Glass, or Crown or German Sheet Glass, is to be made of greater Thickness in the Foot Superficial, exclusive of the Bullion or Selvage or Rim thereof, than One Ninth of an Inch, except the Metal or Materials shall, before the same or any Part thereof be begun to be manufactured into Wares, be declared by the Maker thereof, by Notice in Writing, to be by him delivered to the Officer of Excise under whose Survey he shall be, to be made for Plate Glass, and the Duty on Plate Glass Metal or Materials be charged

charged thereon, under the Rules and Regulations prescribed in respect to Plate Glass; and all such Glass respectively which shall be made of any greater Thickness than One Ninth of an Inch, except as aforesaid, shall be forfeited," shall be and the same is hereby repealed.

VI. And be it enacted, That all Spread or Broad Glass, or Crown or German Sheet Glass, which shall be made of greater Thickness than One Ninth of an Inch in the Foot Superficial, exclusive of the Selvage or Rim thereof, and of the Centre or Bullion of Crown Glass, shall be forfeited.

Limiting the Thickness of Broad, Crown, and German Sheet Glass.

VII. And be it enacted, That so much of the said first-recited Act as enacts "that no Glass shall be deemed or allowed as Spread or Broad Glass which shall not be cut and opened whilst the same is warm, and before becoming cool, after being blown, but that all such Glass which, having been blown, shall be allowed to become cold before the same is cut and opened, shall be deemed and taken to be German Sheet Glass, and shall be charged with Duty accordingly," shall be and the same is hereby repealed.

1 & 2 Vict. c. 44. s. 61. repealed.

VIII. And be it enacted, That the said recited Act of the Third Year of Her Majesty's Reign shall be and the same is hereby repealed.

2 & 3 Vict. c. 25. repealed.

IX. ' And whereas by the said recited Act of the Second Year of Her Majesty's Reign certain Allowances are directed ' to be made in charging the Duty on Plate Glass of One ' Third of the Metal or Materials contained in every Pot used ' for the making of Blown Plate Glass, and One Half of the ' Metal or Materials contained in every Pot used for the ' making of Cast Plate Glass;' be it enacted, That the said Allowance shall not be given or made by the Officer of Excise in charging; the Duty in any Case in which the Pot shall not when gauged be filled or charged with Metal or Materials to at least Two Thirds of the Quantity or Weight of Metal or Materials which according to the original Gauge and Calculation of the Officers of Excise the whole Pot shall be denoted to be capable of containing, but in every Case in which any Pot shall not be filled or charged to at least Two Thirds of the Quantity or Weight of Metal which such Pot shall, according to such original Gauge and Calculation, be denoted to be capable of containing, except in case of Accident, no greater Allowance shall be made or given, than One Fourth of the Metal or Materials contained therein if for Blown Plate Glass, or One Third of the Metal or Materials if for Cast Plate Glass.

Reduction of Allowances where Pot containing Plate Glass Materials shall not be filled at least Two Thirds full.

X. And be it enacted, That if any Maker of Plate Glass shall be desirous of manufacturing or working out any of the Metal or Materials in the Bottom of any Pot or Pots in respect of which the Allowance of Four Inches and Two Inches respectively at the Bottom of the Pot is by the said recited Act of the Second Year of Her Majesty's Reign directed to be made in charging the Duty on Plate Glass, such Maker shall, Twenty-four Hours before beginning to work out any such Metal or Materials, give Notice in Writing of such his Intention to the

Makers of Plate Glass desirous of working out the Bottoms of their Pots to give Notice, and the Duty to be charged on the Quantity worked.

Officer

Working out
without Notice,
Penalty 50l.

Act may be
altered this
Session.

Officer of Excise; and it shall be lawful for such Maker thenceforth, and until he shall give a Notice to discontinue such working (such Notice of Discontinuance not to be given at any less Time than One Week from the Delivery of the former Notice), to manufacture and work out the said Bottoms, and in such Case the Metal or Materials, or so much thereof as shall be worked out, shall be chargeable and charged by the Officers of Excise with the Duty on the Materials or Metal or other Preparations made use of in the making of Plate Glass; and every Manufacturer of Plate Glass who shall manufacture or work out any Part of the Metal or Materials at the Bottom of the Pot in respect of which such Allowance respectively shall have been made, without having given such Notice as aforesaid, shall forfeit Fifty Pounds.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXIII.

An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-one, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty. [3d *July* 1840.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects,
‘ the Commons of the United Kingdom of *Great Britain*
‘ and *Ireland* in Parliament assembled, towards raising the
‘ necessary Supplies to defray Your Majesty’s public Expences,
‘ have freely and voluntarily resolved to give and grant unto
‘ Your Majesty the Duties herein-after mentioned;’ and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses by an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, and by an Act passed in the present Session of Parliament, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be further continued until the Fifth Day of *July* One thousand eight hundred and forty-one.

Duties imposed
by 6 & 7 W. 4.
c. 26. continued
till 5th July
1841.

3 & 4 Vict. c. 17.

Collection of
the Duties.

II. And be it enacted, That the Duties hereby continued shall be collected, paid, and accounted for in such and the like

like Manner as if the said Duties had been continued to the Fifth Day of July One thousand eight hundred and forty-one by the said first-recited Act.

III. And be it enacted, That the respective Bounties now payable on Sugar by an Act passed in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of July One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight*, shall continue to be allowed and paid so long as the Duties on the Importation of Sugar imposed by the said first-recited Act shall remain in force or be further continued by any Act hereafter to be passed.

Bounties on certain Descriptions of refined Sugar.

3 & 4 W. 4. c. 58.
1 & 2 Vict. c. 33.

IV. Provided always, and be it enacted, That if at any Time satisfactory Proof shall have been laid before Her Majesty in Council that the Importation of Foreign Sugar into any *British* Possession within the Limits of the *East India Company's* Charter is prohibited, it shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, or by Her Majesty's Order in Council to be published from Time to Time in the *London Gazette*, to allow the Importation of Sugar the Growth of any such *British* Possession at the lower Rate of Duty in the said first-recited Act specified, in like Manner and under the same Restrictions and Conditions as Sugar the Growth of the Presidency of *Fort William* in *Bengal* may be imported subject to a lower Rate of Duty under the Provisions of the said first-recited Act.

Her Majesty may allow the Importation of Sugar the Growth of certain *British* Possessions at the lower Rate of Duty.

V. And be it enacted, That a distinct and separate Account shall be kept in the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster* of all the Money that shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England* from so much of the said Duties hereby granted on Sugar as shall arise and be payable in *Great Britain*; and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer in *Ireland*, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Separate Accounts to be kept in the Exchequer of the Duties arising in *Great Britain*.

Duties arising in *Ireland* to be paid into the Exchequer there.

VI. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l*.

of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

48 G. 3. c. 1.

Powers of
48 G. 3. c. 1.
extended to this
Act.

VII. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills
to bear an
Interest.

VIII. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Bank of Eng-
land may ad-
vance Money
on the Credit
of this Act, not-
withstanding
5 & 6 W. & M.
c. 20.

IX. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, by placing to the Account of Her Majesty's Exchequer at the Bank of *England*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bills to be deli-
vered to the
Bank of Eng-
land as Security
for Advances.

X. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for the Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Exchequer Bills
to be charged
on the Duties
granted by this
Act.

XI. And be it enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Duties granted by this Act; and it shall be lawful for the said Commissioners of the Treasury and they are hereby authorized from Time to Time to direct to be issued to the Paymasters of Exchequer Bills, by way of Imprest and upon Account, such Sums of Money and

at

at such Periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills or any of them.

XII. And be it enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the Fifth Day of July One thousand eight hundred and forty-one.

Money due to be paid out of the next Aids.

XIII. And be it enacted, That the Surplus of the Monies arising from the Duties granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, shall, as a Surplus of any such Monies respectively, be carried to and made Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Surplus Monies to be carried to Consolidated Fund.

XIV. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, or any Three or more of them, for the Time being, and they are hereby authorized and empowered, to pay and allow, or cause to be paid and allowed, out of the Monies to arise of or from the said Duties hereby granted, or of or from the said Consolidated Fund, from Time to Time, the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident to or for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

Treasurer to allow necessary Charges of making forth new Exchequer Bills.

XV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament; any thing herein contained to the contrary notwithstanding.

Monies issued to be replaced out of the first Supplies.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. XXIV. *See 4 & 5 V c 28. This date*

An Act to repeal Part of an Act of the Forty-third Year of the Reign of Queen Elizabeth, intituled *An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster*, and of an Act of the Twenty-second and Twenty-third Year of the Reign of King Charles the Second, intituled *An Act for laying Impositions on Proceedings at Law*; and to make further Provisions in lieu thereof.

as being to the same cases as in 4 & 5 V c 28. See 4 & 5 V c 28. 347

[3d July 1840.]

‘ WHEREAS an Act passed in the Forty-third Year of the Reign of Queen Elizabeth, intituled *An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster*,

43 Eliz. c. 6.

22 & 23 Car. 2
c. 9.

Recited Acts in
part repealed.

Costs not to be
recovered in
Action of Tres-
pass, or of
Trespass on the
Case, where
Damages reco-
vered are less
than 40s., unless
upon Judge's
Certificate, &c.

Act not to ex-
tend to deprive
Plaintiffs of
Costs in Actions
for Trespass.

' Westminster, and another Act in the Twenty-second and
' Twenty-third Years of the Reign of King *Charles* the Second,
' intituled *An Act for laying Impositions on Proceedings at Law*,
' which recites that many good Subjects of this Realm have
' been and daily are undone by such Suits, contrary to the
' Intention of the said Statute of Queen *Elizabeth*; but the
' same Evil, notwithstanding, doth still prevail and increase,
' and it is expedient to make further Provisions for the Pre-
' vention thereof:' Now be it enacted by the Queen's most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, That
the said recited Act of the Forty-third of *Elizabeth*, so far as it
relates to Costs in Actions of Trespass, or Trespass on the Case,
and so much of the Twenty-second and Twenty-third of *Charles*
the Second as relates to Costs in Personal Actions, be and they
are hereby repealed.

II. And be it enacted, That if the Plaintiff in any Action of
Trespass, or of Trespass on the Case, brought or to be brought
in any of Her Majesty's Courts at *Westminster*, or in the Court
of Common Pleas at *Lancaster*, or in the Court of Common
Pleas at *Durham*, shall recover by the Verdict of a Jury less
Damages than Forty Shillings, such Plaintiff shall not be en-
titled to recover or obtain from the Defendant, in respect of
such Verdict, any Costs whatever, whether it shall be given
upon any Issue or Issues tried, or Judgment shall have passed
by Default, unless the Judge or presiding Officer before whom
such Verdict shall be obtained shall immediately afterwards
certify on the Back of the Record, or on the Writ of Trial or
Writ of Inquiry, that the Action was really brought to try a
Right besides the mere Right to recover Damages for the Tres-
pass or Grievance for which the Action shall have been brought,
or that the Trespass or Grievance in respect of which the Action
was brought was wilful and malicious.

III. Provided always, and be it enacted, That nothing herein
contained shall extend to or be construed to extend to deprive
any Plaintiffs of Costs in any Action or Actions brought for
a Trespass or Trespasses over any Lands, Commons, Wastes,
Closes, Woods, Plantations, or Enclosures, or for entering into
any Dwellings, Outbuildings, or Premises in respect of which
any Notice not to trespass thereon or therein shall have been
previously served, by or on behalf of the Owner or Occupier
of the Land trespassed over, upon or left at the last reputed or
known Place of Abode of the Defendant or Defendants in such
Action or Actions.

CAP. XXV.

An Act to amend the Act for the better ordering of
Prisons. [3d July 1840.]

‘WHEREAS by the Statute passed in the last Session of
‘Parliament, intituled *An Act for the better ordering of* 2 & 3 Vict. c. 56.
‘Prisons, it is among other things enacted, that the Prisoners
‘of each Sex in the Gaols and Prisons therein mentioned shall
‘be divided into the Classes therein also mentioned and set
‘forth, and that Debtors in those Prisons in which Debtors
‘may be lawfully confined shall form and constitute the First
‘of such Classes: And whereas in and by such Statute it is
‘also enacted, that certain Rules and Regulations therein pre-
‘scribed and set forth shall be observed in every Prison in
‘*England and Wales* in addition to and in amendment of the
‘other Rules and Regulations which are in force in such Pri-
‘sons: And whereas it is expedient that such of the said Rules
‘and Regulations only be applied and observed, in regard to
‘such First Class of Prisoners, as shall be made by the Persons
‘authorized by Law to make Rules and Regulations for the
‘Government of the said Gaols and Prisons, and approved of
‘by One of Her Majesty’s Principal Secretaries of State: And
‘whereas it is expedient that in every Gaol, House of Cor-
‘rection, Bridewell, and Penitentiary in *England and Wales* a
‘further Subdivision be made of Prisoners convicted and not
‘sentenced to hard Labour:’ Be it therefore declared and
enacted by the Queen’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled,
and by the Authority of the same, That so much of the
said Act as renders the Rules, Orders, and Regulations
therein prescribed and set forth applicable to Debtors shall be
repealed.

Certain Parts
of recited Act
repealed.

II. And be it enacted, That in every Prison in which Debtors
may be lawfully confined the Persons authorized by Law to
make Rules and Regulations for the Government of such Prison
shall, with the Approval of One of Her Majesty’s Principal
Secretaries of State, make such Rules, Orders, and Regulations
for the good Management of the Debtors confined therein as
shall by them from Time to Time be regarded as fit and neces-
sary; and that in every Gaol, House of Correction, Bridewell,
and Penitentiary in *England and Wales* Prisoners convicted of
Misdemeanors and not sentenced to hard Labour shall be
divided into at least Two Divisions, one of which shall be
called the First Division, and that separate Rules and Regu-
lations shall be made for each Division, and that the Rules
enacted by the said Act of the last Session of Parliament shall
not apply to the said First Division; and that whenever any
Person

Regulations
respecting
Debtors and
Persons con-
victed of Mis-
demeanors.

Person convicted of Misdemeanor shall be sentenced to Imprisonment without hard Labour it shall be lawful for the Court or Judge before whom such Person shall have been tried to order, if such Court or Judge shall think fit, that such Person shall be confined with the Prisoners of the said First Division; and no Prisoner respecting whom no such Order shall be made shall be confined with the Prisoners of the said First Division.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXVI.

An Act to remove Doubts as to the Competency of Persons, being rated Inhabitants of any Parish, to give Evidence in certain Cases. [3d July 1840.]

54 G. 3. c. 170
Reg. & Addington
P. R. 11. 411

‘ **WHEREAS** it is expedient to remove all Doubt whether Persons are by Law competent to give Evidence in Cases where they have been formerly held to be disqualified by the Liability to pay Parochial Rates:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Person called as a Witness on any Trial in any Court whatever may and shall be disabled or prevented from giving Evidence by reason only of such Person being, as the Inhabitant of any Parish or Township, rated or assessed or liable to be rated or assessed to the Relief of the Poor, or for and towards the Maintenance of Church, Chapel, or Highways, or for any other Purpose whatever.

Persons not disqualified from giving Evidence on account of being assessed to Parochial Rates.

Nominal Parties on any Trial not disabled from giving Evidence.

II. And be it enacted, That no Churchwarden, Overseer, or other Officer in and for any Parish, Township, or Union, or any Person rated or assessed or liable to be rated or assessed as aforesaid, shall be disabled or prevented from giving Evidence on any Trial, Appeal, or other Proceeding by reason only of his being a Party to such Trial, Appeal, or other Proceeding, or of his being liable to Costs in respect thereof, when he shall be only a nominal Party to such Trial, Appeal, or other Proceeding, and shall be only liable to contribute to such Costs in common with other the Rate-payers of such Parish, Township, or Union.

CAP. XXVII.

An Act to continue to the First Day of *August* One thousand eight hundred and forty-three, and from thence to the End of the then next Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland and Ireland*, and chargeable to Parishes in *England*. [3d July 1840.]

7th & 42
repealed by
1849 & 117

‘ WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty, intituled *An Act to repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, and to make other Provisions in lieu thereof, until the First Day of May One thousand eight hundred and thirty-six, and from thence until the End of the then next Session of Parliament*: And whereas another Act was passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to alter, amend, and continue, for a certain Period, an Act for repealing certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, and to make other Provisions in lieu thereof*: And whereas the Provisions of the said Acts have been found beneficial: And whereas the said Acts will expire at the End of the present Session of Parliament, and it is desirable that the same should be further continued:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Acts, and all and every the Provisions thereof, shall be and the same are hereby further continued to the First Day of *August* One thousand eight hundred and forty-three, and from thence to the End of the then next Session of Parliament.

Recited Acts
further con-
tinued.

CAP. XXVIII.

An Act to explain and amend an Act of the Second and Third Years of Her present Majesty, for more equally assessing and levying Watch Rates in certain Boroughs. [23d July 1840.]

‘ WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for more equally assessing and levying Watch Rates in certain Boroughs*, after reciting therein that by reason of the Restrictions contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in Eng-* land [No. 12. Price 2d.]

M

2 & 3 Vict. c. 28

5 & 6 W. 4. c. 76.

‘ land *and* Wales, the Watch Rate authorized to be levied upon
‘ those Parts of the Boroughs within the Provisions of the said
‘ Act which were regularly watched was insufficient for that
‘ Purpose, and the Deficiency in many Cases was paid out of
‘ the Borough Rate, to which all Parts of the Borough, whether
‘ or not regularly watched, were liable; for Remedy thereof it
‘ was enacted, amongst other things, that it should be lawful for
‘ the Council of any Borough named in either of the Schedules
‘ to the said Act of His late Majesty to levy a Watch Rate
‘ upon the Occupiers of all Messuages, Lands, Tenements, and
‘ Hereditaments within those Parts of the Borough which
‘ should be watched by Day and by Night, and which from
‘ Time to Time, by any Order of the Council of any such
‘ Borough, should be declared liable to such Watch Rate, pro-
‘ vided that no such Rate should exceed in any One Year the
‘ Rate of Sixpence in the Pound on the net annual Value of
‘ the Hereditaments rated thereunto, unless in those Boroughs
‘ in which at the Time of passing the said Act of His late
‘ Majesty the Sum authorized to be levied by way of Watch
‘ Rate exceeded the Sum which might have been then raised
‘ by the said Rate of Sixpence in the Pound: And whereas the
‘ said Act of Her present Majesty was intended to apply to
‘ Boroughs in which, from the Deficiency of the Borough Fund,
‘ it had become or might become necessary that Borough Rates
‘ should be laid; but Doubts have been entertained whether
‘ the same Act may not apply to Cases of Municipal Boroughs
‘ in which there are Borough Funds sufficient for the Purposes
‘ of defraying the Expences of the Constabulary Force of such
‘ Boroughs, together with all other Expences payable out of the
‘ Borough Fund, with the Aid of the Amount only of Watch
‘ Rate which could be raised under the Provisions of the said
‘ Act of His said late Majesty, and without the Aid of any
‘ Borough Rate; and Doubts are also entertained whether by
‘ the said Act of Her present Majesty it is not imperative upon
‘ the Council of each Borough to levy in each Borough a
‘ Watch Rate to the Extent of Sixpence in the Pound;’ and
‘ in order to remove such Doubts, be it enacted and declared
‘ by the Queen’s most Excellent Majesty, by and with the Advice
‘ and Consent of the Lords Spiritual and Temporal, and Com-
‘ mons, in this present Parliament assembled, and by the Autho-
‘ rity of the same, That after the passing of this Act the said
‘ Act of Her present Majesty shall not apply or be deemed to
‘ apply to any Borough in which the Borough Fund is sufficient,
‘ with the Aid of the Amount only of Watch Rate which could
‘ be raised under the Provisions of the said Act of His late
‘ Majesty, and without the Aid of any Borough Rate, to defray
‘ the Expence of the Constabulary Force of the Borough, together
‘ with all the other Expences legally payable out of the Borough
‘ Fund, by virtue of the said Act of His late Majesty, or any
‘ other Act or Acts of Parliament: Provided always, that nothing
‘ in this Act contained shall be deemed to take away or lessen, or
‘ to vary or affect, the particular Benefit or Rights to Common
‘ Lands

Recited Act
not to apply to
Boroughs in
certain Cases.

Proviso.

Lands and Public Stock, and to Lands, Tenements, and Hereditaments, and to the Rents and Profits thereof, or to any Sum or Sums of Money, Chattels, Securities for Money, or other Personal Estate which are reserved by the said recited Act of His late Majesty to every Person who then was or thereafter might be an Inhabitant of any Borough, and also to every Person who had been admitted or who might thereafter have been admitted a Freeman or Burgess of any Borough if that Act had not been passed, or who then was or thereafter might be the Wife or Widow, or Son or Daughter, of any Freeman or Burgess, or who had espoused or might thereafter espouse the Daughter or Widow of any Freeman or Burgess, or who had been or might thereafter be bound an Apprentice: Provided also, that nothing herein contained shall render the Borough Fund of any Borough liable to any Expences with which such Borough Fund was not chargeable before the passing of the said recited Act of Her present Majesty.

II. And be it enacted and declared, That the Amount of Watch Rate to be levied by the Council of any Borough under the Authority of the said recited Act of Her present Majesty shall be at the Discretion of each such Council, but not exceeding in any One Year the Sum of Sixpence in the Pound, as limited by the same Act.

Limiting
Amount of
Watch Rate to
be annually
levied.

CAP. XXIX.

An Act to extend the Practice of Vaccination.

[23d July 1840.]

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‘WHEREAS it is expedient to extend the Practice of Vaccination:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Guardians of every Parish or Union, and for the Overseers of every Parish in which Relief to the Poor shall not be administered by Guardians, in *England* and *Wales*, and they are hereby directed, to contract with the Medical Officers of their several Unions or Parishes respectively, or with any legally qualified Medical Practitioner or Practitioners, for the Vaccination of all Persons resident in such Unions or Parishes respectively: Provided always, that it shall be a Condition of every such Contract that the Amount of the Remuneration to be received under the same shall depend on the Number of Persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such Medical Officers or Practitioners respectively so contracting.

Poor Law
Guardians to
contract with
their Medical
Officers, or
other Medical
Practitioners,
for Vaccination.

II. And be it further enacted, That in making such Arrangements as may be required for the Execution of this Act, such Guardians and Overseers, and all other Officers engaged in the Administration of the Laws for the Relief of the Poor, shall conform

Guardians to
conform to the
Regulations of
the Poor Law
Commissioners.

conform to the Regulations which may from Time to Time be issued by the Poor Law Commissioners in that Behalf, which Regulations the said Commissioners are hereby authorized and required to make and issue.

Medical Officers to report the Number of Persons vaccinated, &c.

III. And be it further enacted, That such Medical Officers or Practitioners shall make a Report to such Guardians or Overseers from Time to Time of the Number of Persons successfully vaccinated by them respectively, and shall make such further Report, with respect to the Persons so vaccinated, as such Guardians and Overseers, under the Direction of the Poor Law Commissioners, shall require.

Copies of Contracts to be sent to Commissioners.

IV. And be it enacted, That such Guardians or Overseers shall forthwith, after the Conclusion of any such Contract as before mentioned, transmit a Copy thereof to the Poor Law Commissioners.

Annulling of Contracts.

V. And be it enacted, That if such Commissioners shall not annul such Contract within Fourteen Days from the Receipt thereof such Contract shall thenceforth not be liable to be annulled by such Commissioners.

Guardians of Poor Law Unions in Ireland to divide their Unions into Districts, &c.

VI. And be it further enacted, That as soon as may be after the passing of this Act the Guardians of every Poor Law Union in *Ireland* shall (subject to the Approbation of the Poor Law Commissioners) divide such Union into Districts of convenient Extent, and may alter the same from Time to Time, subject to the like Approbation, and shall (subject to such Approbation as aforesaid) contract with competent Medical Practitioners for the Period of One Year, and so from Year to Year as such Contract may expire, for the Vaccination of all Persons who may come to such Medical Practitioners for that Purpose.

Previous Provisions with respect to Unions in England and Wales to apply to Ireland.

VII. And be it further enacted, That all the Provisions herein-before made with respect to *England* and *Wales* for the making of Reports of such Medical Officers or Medical Practitioners shall apply to all such Contracts as may be made under this Act by the Guardians of any Poor Law Union in *Ireland*; and such Guardians, and all other Officers engaged in the Administration of Relief to the destitute Poor, shall conform to the Regulations and Instructions of the Poor Law Commissioners, in like Manner as is herein-before directed with respect to Guardians, Overseers, and other Officers in *England* and *Wales*.

Persons inoculating or otherwise producing Small Pox to be subject to One Month's Imprisonment.

VIII. And be it further enacted, That any Person who shall from and after the passing of this Act produce or attempt to produce in any Person, by Inoculation with variolous Matter, or by wilful Exposure to variolous Matter, or to any Matter, Article, or Thing impregnated with variolous Matter, or wilfully by any other Means whatsoever produce the Disease of Small Pox in any Person in *England*, *Wales*, or *Ireland*, shall be liable to be proceeded against and convicted summarily before any Two or more Justices of the Peace in Petty Sessions assembled, and for every such Offence shall, upon Conviction, be imprisoned in the Common Gaol or House of Correction for any Term not exceeding One Month.

IX. And

IX. And be it further enacted, That every Word in such Part of this Act as refers to *England and Wales* shall be interpreted in like Manner as such Word is directed to be interpreted in an Act passed in the Fourth and Fifth Year of His late Majesty King *William the Fourth*, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*; and that every Word used in such Part of this Act as relates to *Ireland* shall be interpreted in like Manner as such Word is directed to be interpreted in an Act passed in the First and Second Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in Ireland*.

Interpretation
of Words.

4 & 5 W. 4 c. 76.

1 & 2 Vict. c. 56.

CAP. XXX.

An Act for the more equal Assessment of Police Rates in *Manchester, Birmingham, and Bolton*, and to make better Provision for the Police in *Birmingham*, for One Year, and to the End of the then next Session of Parliament.

[23d July 1840.]

WHEREAS by an Act passed in the Tenth Year of the Reign of King *George the Fourth*, intituled *An Act for improving the Police in and near the Metropolis*, it is provided that the annual Value of the Property rateable for the Purposes of the Police under the said Act shall be computed according to the last Valuation for the Time being acted upon in assessing the County Rate: And whereas by Three Acts passed in the last Session of Parliament, for improving the Police in *Manchester, Birmingham, and Bolton* respectively, the Powers and Provisions of the first-recited Act were made, during the Continuance of the Three last-mentioned Acts respectively, to apply to the Boroughs of *Manchester, Birmingham, and Bolton*, except as therein is excepted: And whereas the Amounts required for the Purposes of the Police under the said several Acts would be more fairly and equally raised in *Manchester, Birmingham, and Bolton* if such annual Value were computed according to the last Valuation for the Time being acted upon in assessing the Poor Rate: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the full and fair annual Value of the Property rateable for the Relief of the Poor within any Parish, Township, Precinct, or Place liable to contribute to the Purposes of the Police in *Manchester, Birmingham, or Bolton* respectively, shall be computed, for the Purposes of the said several Acts, according to the last Valuation for the Time being acted upon in assessing the Rate for the Relief of the Poor within such Parish, Township, Precinct, or Place: Provided always, that the Inhabitants and

10 G. 4. c. 44.

2 & 3 Vict.
cc. 87. 88. 95.

Property to be
valued according
to the last
Poor Rate
Valuation.

Occupiers of all Messuages, Lands, Tenements, and Hereditaments in any Precinct or Place, whether Parochial or Extraparochial, within the said several Police Districts, or Districts affected by the said Acts respectively, which may not be rated to the Relief of the Poor, or may be deemed not to be rateable thereto, shall be liable to contribute to the Expences of the Police under the said several Acts, in like Manner as by the said Acts is provided.

Inspection of
Poor Rates.

II. And be it enacted, That any Justice appointed under any of the said Acts, or any Person having an Order for that Purpose under the Hand of any such Justice, may inspect any Poor Rate made or to be made for any Parish, Township, Precinct, or Place, any Part of which shall be within his Jurisdiction, and may also inspect any Returns relating thereunto, and may take Copies or Extracts from any such Rates or Returns, without Payment of Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Justice or other Person to inspect the same, or to take Copies or Extracts from the same, within Two Days after such Order shall have been produced or shown to him, or a Copy thereof left at his usual Place of Abode, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum, not exceeding Ten Pounds, as they shall think meet.

Appeal against
Poor Rates.

III. And be it enacted, That it shall be lawful for any Justice or Receiver appointed under any of the said Acts to appeal against any Rate made for the Relief of the Poor in any Parish, Township, Precinct, or Place, any Part of which is within the Limits of the Act by which he is appointed, to any Court of General or Quarter Sessions having Jurisdiction in the Matter, or to the Justices holding any Special Session for hearing Appeals against such Rates, in like Manner as any Person aggrieved by any such Rate may appeal thereunto, and subject to all Provisions made respecting Appeals against Poor Rates; and it shall be lawful to defray the Expences of prosecuting any such Appeal out of the Monies raised or to be raised for the Purposes of the said Acts respectively.

Parishes, &c.
partly within
the Police
District.

IV. And be it enacted, That in every Case in which any Parish, Township, Precinct, or Place liable to support its own Poor shall be partly within and partly without the District affected by any of the said Acts, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish, Township, Precinct, or Place, upon the Receipt of any Warrant from any of the said Justices for the Payment of Money for the Purposes of One of the said Acts (which Warrants the said Justices are severally empowered to direct to them, in like Manner as if the whole of such Parish, Township, Precinct, or Place were within their District respectively), shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to Poor Rates in that Part of their Parish, Township,

referred by
546 Dec 17/82

Township, Precinct, or Place which is within the Police District, the Rate mentioned in the Warrant, with and as Part of the Poor Rate, and in addition to the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of the Parish, Township, Precinct, or Place may be liable, in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Police District, and out of the increased Poor Rates so levied and collected from the Part within the Police District shall pay the Amount mentioned in the Warrant in the Manner mentioned by the first-recited Act, and shall be subject to all the Provisions and Penalties contained in the said Act concerning the Nonpayment thereof.

V. And be it enacted, That instead of the Rates authorized to be paid for the Purposes of the said Police in *Manchester* and *Bolton* any Sum may be demanded and paid for such Purposes which in any Period of Twelve Calendar Months, beginning to reckon from the Seventeenth Day of *April* now last past, shall not in the whole exceed the Sum of Sixpence in the Pound on the full and fair annual Value of the Property rateable thereunto under the Provisions of this Act; but this Enactment shall not be construed to, prevent the Recovery of any Arrears due upon any Warrant which shall have been issued before the passing of this Act for the said Purposes under the Provisions of the said Acts for improving the Police in *Manchester* and *Bolton*.

Rates in *Manchester* and *Bolton* not to exceed 6d. in the Pound.

VI. And be it enacted, That any Sums may be demanded and paid for the Purposes of the said Police in *Birmingham* which in any Period of Twelve Calendar Months, beginning to reckon from the Twenty-sixth Day of *August* now last past, shall not in the whole exceed the Sum of One Shilling in the Pound on the full and fair annual Value of the Property rateable thereunto under the Provisions of this Act; and that any Parish, Township, Precinct, or Place liable to support its own Poor, and being partly within and partly without the Police District of the said Borough of *Birmingham*, and which may not have contributed its equal Proportion rateably with the Remainder of the said District towards the Expences of the Police under the said Act for improving the Police in *Birmingham*, shall be liable to pay and contribute in the first instance from that Part of such Parish, Township, Precinct, or Place which is within the Police District such Sum as may be necessary to make up such equal Proportion; and it shall be lawful for any Justice appointed under the last-mentioned Act to issue a separate Warrant for Payment of such Sum accordingly.

Rates in *Birmingham* not to exceed 1s. in the Pound.

Parishes, &c. partly within the Police District not hitherto charged to be henceforth liable.

VII. And be it enacted, That no Office or Employment in the *Manchester*, *Birmingham*, or *Bolton* Police Force shall prevent the Holder thereof from receiving any Half Pay to which, if he did not hold such Office or Employment, he might have been or may become entitled.

Provision as to Half Pay.

VIII. And be it enacted, That Accounts of the Receipt and Expenditure under each of the said Acts, as amended by this Act, shall before the Thirty-first Day of *December* in every

Accounts to be made up to the 31st December in every Year.

Year be made up, under the Direction of the several Justices appointed under the said Acts respectively, in such Form and Manner as shall be directed by One of Her Majesty's Principal Secretaries of State; and the said Justices shall forthwith send such Accounts to the Secretary of State, and such Accounts shall be laid before both Houses of Parliament within Three Weeks after they shall be received, if Parliament be then sitting, or if not, then within Three Weeks after the next Meeting of Parliament.

Duration of
Act.

IX. And be it enacted, That this Act shall continue in force for One Year, and from thence until the End of the then next Session of Parliament.

Act may be
amended.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XXXI.

An Act to extend the Powers and Provisions of the several Acts relating to the Inclosure of Open and Arable Fields in *England* and *Wales*.

[23d July 1840.]

41 G. S. c. 109.

6 & 7 W. 4. c. 115.

The Award to be conclusive Evidence that the Provisions of the Act have been complied with and the necessary Consents given.

Parties taking possession of or

‘ WHEREAS an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act of Parliament was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Field in England and Wales*: And whereas it is desirable that Awards under the said secondly-recited Act should be rendered final and conclusive, and that the Powers of the Commissioners acting under or in execution of the said recited Acts or either of them, for the ascertaining and determining Boundaries, should be extended in the respects herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That (subject and without Prejudice to the Right of Appeal given by the said secondly-recited Act) all Awards that shall be made in pursuance of that Act and of this Act, or either of them, shall immediately after the Execution thereof be conclusive Evidence that the Provisions of the said Acts have in all respects been complied with, and that all necessary Consents have been given; and no other Evidence than such Awards shall be requisite to establish the Title under the Inclosure of the Parties concerned or interested in the same: Provided always, that if any Party concerned or interested in any such Inclosure shall, after the

the making of the Award thereunder, take possession of, or proceed to inclose or to cultivate, any Allotment, or any Lands given in Exchange, which shall have been thereby awarded to such Party, all Right of Appeal which might otherwise have been exercised by such Party against the said Award shall, from the Time of such taking possession, or of such proceeding to inclose or to cultivate, (as the Case may be,) be deemed and taken to have been absolutely waived and surrendered.

proceeding to inclose or to cultivate their Allotments to be deemed to have waived all Right of Appeal.

II. ' And whereas by the said first-recited Act Power is given to the Commissioner or Commissioners appointed in or by virtue of any Act of Inclosure to ascertain and determine the Boundaries of Parishes, Manors, Hamlets, or Districts to be divided and inclosed, and of Parishes, Manors, Hamlets, or Districts adjoining thereto: And whereas it is expedient that the Power of such Commissioner or Commissioners should extend to the straightening of Boundaries in Cases in which the Lands in any Parishes, Manors, Hamlets, or Districts so to be divided and inclosed are or are reputed to be intermixed with the Lands of any adjoining Parish, Manor, Hamlet, or District;' be it enacted, That so much of the Powers and Provisions in the said first-recited Act contained as relates to the ascertaining, setting out, determining, and fixing the Boundaries of Parishes, Manors, Hamlets, or Districts shall extend and be applicable to the straightening of the Boundaries of any Parish, Manor, Hamlet, or District to be divided and inclosed under the said recited Acts or either of them, whenever the Lands of such Parish, Manor, Hamlet, or District shall be or be reputed to be intermixed with the Lands of any other Parish, Manor, Hamlet, or District.

Powers of Commissioners as to setting out Boundaries extended.

III. And be it enacted, That in every Case in which the Commissioners shall, in the Exercise of the Powers given to them by the said recited Acts or by this Act, for the Purpose of ascertaining or straightening Boundaries, sever any Land from any Parish, Manor, Hamlet, or District to which it may have been reputed to belong, they shall, in and by their Award, declare to what Parish, Manor, Hamlet, or District such Land shall be annexed; and the same shall thenceforth, for all Purposes, belong to the Parish, Manor, Hamlet, or District to which it shall have been so declared to be annexed as aforesaid.

Commissioners to declare by their Award the Parish to which any Land cut off in straightening Boundaries shall be annexed.

IV. ' And whereas by the said secondly above-recited Act it was enacted, that it should be lawful for Two Third Parts in Number and Value who should be interested in manner therein mentioned in any Open and Common Arable Fields, including any untitled Slips or Balks therein, or any Open and Common Meadow or Pasture Lands or Fields in any Parish, Township, or Place (except as therein excepted) in England and Wales, known by Metes and Bounds, or occupied according to known and legal Rights, to inclose in manner therein mentioned such said Lands and Fields: And whereas Doubts have arisen whether the said secondly above-recited Act applies to and includes such Open and Common Arable Fields

Powers of 6 & 7 W. 4. c.115. extended to Lands commonable only during Part of the Year.

' Fields as have adjacent thereto (but not separated by any
' Fence therefrom) certain Tracts of Grass Land commonable
' during Part of the Year, and holden in Severalty, or by Lot
' or Apportionment, by or among Persons interested therein,
' during other Parts of the Year;' be it therefore enacted, That
the said secondly above-recited Act, and all Powers and Pro-
visoes therein contained or mentioned, shall be adjudged and
construed to apply and extend to all such Open and Common
Fields and Tracts of Grass Land as are herein last-before
mentioned.

This Act to be
construed with
that of 6 & 7 W. 4.

Act may be
amended, &c.

V. And be it enacted, That this Act shall be construed as
One with the said secondly above-recited Act.

VI. And be it enacted, That this Act may be amended or
repealed by any Act to be passed in this present Session of Par-
liament.

CAP. XXXII.

445 Vc 25 An Act to continue for One Year, and from thence
until the End of the then next Session of Parliament,
the several Acts relating to the Importation and
keeping of Arms and Gunpowder in *Ireland*.

[23d July 1840.]

' **W**HEREAS an Act was passed in the Forty-seventh Year
' of the Reign of His Majesty King *George* the Third,
' intituled *An Act to prevent improper Persons from having Arms*
' in *Ireland*, to continue in force for a limited Period, which
' Act was, by another Act passed in the Fiftieth Year of His
' said Majesty's Reign, continued and amended; and such
' Acts having been continued were, by another Act passed in
' the Tenth Year of the Reign of His Majesty King *George* the
' Fourth, amended, and further continued until a Time when
' the same expired: And whereas by another Act passed in the
' First and Second Years of His late Majesty's Reign the said
' recited Acts were revived and continued: And whereas by
' Three other Acts passed respectively in the Second and Third,
' and Fourth and Fifth, and Sixth and Seventh Years of the
' Reign of His late Majesty such Acts were further continued:
' And whereas by another Act passed in the First and Second
' Years of the Reign of Her present Majesty the said Acts were
' amended and further continued, and the same will remain in
' force until the End of this present Session of Parliament; and
' it is expedient that the said Acts should be further conti-
' nued: Be it therefore enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, That the
said recited Act of the Forty-seventh Year of the Reign of His
Majesty King *George* the Third, as the said Act is amended by
the said recited Act of the Fiftieth Year of the same Reign,
and by the said recited Act of the Tenth Year of the Reign of
His

47 G. 3. sess. 2.
c. 54.

50 G. 3. c. 109.

10 G. 4. c. 47.

1 & 2 W. 4. c. 47.

2 & 3 W. 4. c. 70.

4 & 5 W. 4. c. 53.

6 & 7 W. 4. c. 39.

1 & 2 Vict. c. 71.

Recited Acts
continued for
One Year.

His Majesty King *George* the Fourth, and by the said recited Act of the First and Second Years of the Reign of Her present Majesty, shall be, and the said Acts, and each and every of them, is and are hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

II. 'And whereas an Act was passed in the First Year of the Reign of His late Majesty, intituled *An Act to regulate for One Year the Importation of Arms, Gunpowder, and Ammunition into Ireland, and the making, removing, selling, and keeping of Arms, Gunpowder, and Ammunition in Ireland*; and such Act, having been continued from Time to Time, will remain in force until the End of this present Session of Parliament, and it is expedient that the said Act should be further continued;' be it therefore enacted, That the said recited Act of the First Year of the Reign of His late Majesty shall be and the said Act is hereby continued, and shall be and remain in force for the Term of One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

11 G. 4. &
1 W. 4. c. 44.
continued for
a Year.

CAP. XXXIII.

An Act to make certain Provisions and Regulations in respect to the Exercise, within *England* and *Ireland*, of their Office, by the Bishops and Clergy of the Protestant Episcopal Church in *Scotland*; and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of *America*; and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of *England* and *Ireland*. [23d July 1840.]

'WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting Relief to Persons of the Episcopal Communion in Scotland*: And whereas it is expedient to alter and amend the said Act, and to enable the Bishops of the Protestant Episcopal Church in *Scotland*, and the Priests of such Church canonically ordained, under certain Limitations and Restrictions, to perform Divine Service, to preach, and to administer the Sacraments, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, in Churches or Chapels within *England* or *Ireland* where the Liturgy of the said United Church is used:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Bishop of any Diocese in *England* or *Ireland*, if he shall think fit, on the Application

32 G. 3. c. 63.

Bishops of Eng-
land or Ireland
may permit

Clergy of the
Protestant
Episcopal
Church in Scot-
land to officiate
in their Dioceses
under certain
Restrictions.

Application of any Bishop of the Protestant Episcopal Church in *Scotland*, or of any Priest of such Church canonically ordained by any Bishop thereof residing and exercising at the Time of such Ordination Episcopal Functions within some District or Place in *Scotland*, to grant Permission under his Hand, and from Time to Time also under his Hand to renew such Permission, to any such Bishop or Priest to perform Divine Service, and to preach, and administer the Sacrament, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, for any One Day or any Two Days, and no more, in any Church or Chapel within the Diocese of the said Bishop where the Liturgy of the said United Church is used, such Day or Days and Church or Chapel to be specified in such Permission or renewed Permission; and thereupon it shall be lawful for the Party mentioned in such Permission or renewed Permission, with the Consent of the Incumbent or Officiating Minister of such Church or Chapel, to perform Divine Service, and to preach, and administer the Sacraments therein, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, on the Day or Days specified in such written Permission or renewed Permission, and on no other.

Certain Letters
commendatory
to be produced
to the Bishop
before Permis-
sion granted.

II. Provided always, and be it enacted, That no such written Permission or renewed Permission shall be granted unless the Party applying for the same shall first produce to the Bishop of the Diocese Letters commendatory given within Six Months before the Production thereof, in the Case of a Bishop under the Hand and Seal of Two other Bishops of the Church to which he belongs, and in the Case of a Priest under the Hand and Seal of the Bishop exercising Episcopal Functions within the District or Place in which such Priest usually officiates, and also a Testimonial given within Six Months before the Production thereof, under the Hand and Seal of such last-mentioned Bishops or Bishop, that the Party applying is a Person of honest Life and godly Conversation, and professeth the Doctrines of the United Church of *England* and *Ireland*.

Provisions of
this Act as to
the Clergy of
the Episcopal
Church in Scot-
land extended
to the Clergy of
the Episcopal
Church in the
United States.

III. ' And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act to empower the Archbishop of Canterbury and the Archbishop of York for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of Her Majesty's Dominions*: And whereas it is expedient to alter and amend the said Act, and to enable the Bishops and Priests of the Protestant Episcopal Church in the United States of *America* to officiate in *England* and *Ireland*, under Restrictions and Limitations similar to those herein-before enacted and provided with respect to the Bishops and Priests of the Protestant Episcopal Church in *Scotland* : be it therefore enacted, That all the several Provisions herein-before contained with respect to the Bishops and Priests canonically ordained of the Protestant Episcopal Church in *Scotland* shall respectively extend to the Bishops of the Protestant Episcopal Church in the United States of *America*, and to the Priests canonically ordained

by a Bishop of such Church residing and exercising at the Time of such Ordination Episcopal Functions within some District or Place in the United States of *America*.

IV. And be it enacted, That any Incumbent or Stipendiary Curate who, without the Production of such written Permission or renewed Permission as aforesaid, shall allow any Bishop or Priest of the Protestant Episcopal Church in *Scotland* or in the United States of *America*, or who shall allow any Deacon of either of such Churches, or any other Bishop, Priest, or Deacon, not being a Bishop, Priest, or Deacon of the United Church of *England* and *Ireland*, or of any Her Majesty's Foreign Possessions, to officiate in any Church or Chapel of which he is Incumbent or Curate, shall for the first Offence be liable to be called to appear before the Bishop of the Diocese in Person, and, if he show no sufficient Cause to the contrary, to be publicly or privately monished, at the Discretion of the said Bishop; and for the second and every subsequent Offence, if a Curate, he shall, after having been in like Manner called to appear, and showing no sufficient Cause to the contrary, be liable to be removed or to be temporarily suspended from his Curacy, at the Discretion of the said Bishop; and if an Incumbent, he shall, on Proof of the Offence in due Course of Law, be suspended from his Office and Benefice for any Time not exceeding Three Months, or be subject to other Ecclesiastical Censures; and the said Bishop shall, during any such Suspension, provide for the Performance of the Spiritual Duties of such Benefice, by Sequestration or otherwise, as in the Case of Non-residence.

Penalty on allowing Clergy of the Protestant Episcopal Church in *Scotland* or in the United States of *America* to officiate without such Permission, or on allowing other Clergy to officiate.

V. And be it enacted, That if any Bishop or Priest of the Protestant Episcopal Church in *Scotland* or in the United States of *America* shall, save as herein-before mentioned, or if any Deacon of either of such Churches shall, officiate, contrary to the Provisions of the said recited Acts, in any Church or Chapel in *England* or *Ireland* where the Liturgy of the said United Church is used, or if any Bishop, Priest, or Deacon, not being a Bishop, Priest, or Deacon of the United Church of *England* or *Ireland*, or of any of Her Majesty's Foreign Possessions, or of the Protestant Episcopal Church in *Scotland* or in the United States of *America*, shall officiate in any such Church or Chapel, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Governors of Queen *Anne's* Bounty, to be recovered, by Action of Debt brought in the Name of the Treasurer of the said Bounty, in any of Her Majesty's Courts of Record at *Westminster*, or in the Courts of Session in *Scotland* at the Suit of the Public Prosecutor.

Penalty on officiating contrary to recited Acts or this Act, save as herein mentioned.

VI. And be it enacted, That no Person who has been or shall be ordained a Deacon by any Protestant Bishop other than an Archbishop or Bishop of the United Church of *England* and *Ireland*, and who shall after the passing of this Act be ordained a Priest by any Archbishop or Bishop of the United Church of *England* and *Ireland*, shall be thereby enabled, save as in this

Deacons ordained out of *England* or *Ireland*, and afterwards ordained Priests in *England* or *Ireland*.

this Act is provided, to exercise his Office within *England* or *Ireland*.

Admissions, &c.
to Benefices
and Curacies
contrary hereto
void.

Proviso.

VII. And be it further enacted, That all Admissions, Institutions, and Inductions to Benefices in the Church of *England* or Church of *Ireland*, and all Appointments to act as Curates therein, which shall be made contrary to the Provisions of this Act, shall be to all Intents and Purposes null and void: Provided always, that nothing herein shall be construed to affect any Admission, Institution, or Induction to any Benefice or any Appointment as Curate which shall have been made previous to the passing of this Act.

Not to affect
the Act
59 G. 3. c. 60.

VIII. Provided always, That nothing in this Act contained shall be construed to affect or to repeal any of the Provisions of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the Archbishops of Canterbury and York, and the Bishop of London, for the Time being, to admit Persons into Holy Orders specially for the Colonies*.

CAP. XXXIV.

An Act for making Provision as to the Office of Master in Chancery in certain Cases. [23d July 1840.]

46 G. 3. c. 128.

‘ WHEREAS by the Act passed in the Forty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making Provision for such Masters in Ordinary of the High Court of Chancery as from Age or Infirmary shall be desirous of resigning their Offices with the Approbation of the said Court, and for augmenting the Income of the Masters in Ordinary of the said Court*, no Provision is made for the Payment of any Annuity or Retiring Pension to such of the Masters in Ordinary of the High Court of Chancery as, being disabled by any permanent Infirmary from the due Execution of their Offices, may by reason of such Infirmary be incompetent duly to resign the same, and it is expedient to provide for such Cases:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord High Chancellor of *Great Britain*, or the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, by any Order or Orders of the High Court of Chancery, to be made from Time to Time on a Petition presented to him or them for that Purpose, to order, if he or they shall so think fit, an Annuity or clear yearly Sum of Money not exceeding the Sum of One thousand five hundred Pounds to be paid to such Person or Persons as he or they shall in any such Order in that Behalf name, out of the Interest and Dividends of the Government or Parliamentary Securities which may at any Time be standing in the Name of the

Lord Chancellor may
grant Annuities
to Masters in
Chancery un-
able to perform
the Duties of
their Office.

the Accountant General of the High Court of Chancery to an Account intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and out of the Interest and Dividends of the Government or Parliamentary Securities which may at any Time be standing in the Name of the said Accountant General to an Account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them, for the Use and Benefit of any Master in Ordinary of the High Court of Chancery who shall be afflicted with any permanent Infirmary disabling him from the due Execution of his Office, and who shall also by reason of such Infirmary be incompetent duly to resign the same; and in such Order or Orders the Cause or Ground of making the same shall be distinctly specified; and the Annuity or clear yearly Sum of Money mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England*, out of the Interest and Dividends aforesaid, (but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by the several Acts of Parliament in the said recited Act referred to directed or authorized to be paid thereout,) by even and equal Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, in every Year, during the Life of such Master in Ordinary, to the Person or Persons in such Order or Orders in that Behalf named; the first of such quarterly Payments, or a proportionate Part thereof, to be calculated from the Date of such Order, to be payable on the first of such Days which shall occur after the Date of such Order, and such Annuity or yearly Sum shall be free from all Parliamentary Taxes; and the Office of such Master in Ordinary, for whose Use and Benefit any such Annuity or Retiring Pension shall have been so ordered to be paid, shall from and after the Date of such Order be and be deemed to be thereby voided and vacant, as well and in the same Manner as if such Master had duly resigned the same; and the Person or Persons to whom such Annuity as aforesaid shall, by virtue of any such Order as aforesaid made under the Authority of this Act, be payable, shall be entitled to receive and shall be paid, in the Place of such Master as aforesaid, and in like Manner as he would if not incapacitated as aforesaid have been paid the same, and for his Use and Benefit, such proportionate Part or Parts of any Salary and Compensation to such Master as may or shall have accrued from the Time when the last Payment of the same respectively was made to such Master to the Day of the Date of the Order for such Annuity as aforesaid.

II. Provided always, and be it enacted, That no such Order shall be made, unless the Lord High Chancellor, Lord Keeper or Lords Commissioners aforesaid, shall have previously received Certificates in Writing, according to the Form in the Schedule to this Act annexed, signed by Three several Medical Persons
(Physicians

Annuity not to be granted except upon Production of Medical Certificate.

(Physicians or Surgeons), who shall have been named and appointed by the Lord High Chancellor, Lord Keeper or Lords Commissioners, in that Behalf, and each of whom shall have separately visited and examined such Master on Two several Days at the least.

SCHEDULE to which this Act refers.

FORM OF CERTIFICATE.

I do hereby certify, That I did on the _____ Day of _____ and the _____ Day of _____ in the Year _____ personally visit and examine one of the Masters of the High Court of Chancery; and I further certify, that the said _____ is afflicted with [*state fully the Nature of the Affection or Complaint*], and that he is thereby permanently disabled from discharging the Duties of his Office as such Master, and that he is also by reason thereof incompetent duly to resign the same.

This

Day of

A. B.

[Physician or Surgeon.]

CAP. XXXV.

10 & 11 Vic. c. 71.

An Act to re-unite the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*.

[23d July 1840.]

Declaration of
Union.

‘ WHEREAS it is necessary that Provision be made for the good Government of the Provinces of *Upper Canada* and *Lower Canada*, in such Manner as may secure the Rights and Liberties and promote the Interests of all Classes of Her Majesty’s Subjects within the same: And whereas to this end it is expedient that the said Provinces be re-united and form One Province for the Purposes of Executive Government and Legislation:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to declare, or to authorize the Governor General of the said Two Provinces of *Upper* and *Lower Canada* to declare, by Proclamation, that the said Provinces, upon, from, and after a certain Day in such Proclamation to be appointed, which Day shall be within Fifteen Calendar Months next after the passing of this Act, shall form and be One Province, under the Name of the Province of *Canada*, and thenceforth the said Provinces shall constitute and be One Province, under the Name aforesaid, upon, from, and after the Day so appointed as aforesaid.

Repeal of Acts,

II. And be it enacted, That so much of an Act passed in the Session of Parliament held in the Thirty-first Year of the Reign

Reign of King George the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province*, as provides for constituting and composing a Legislative Council and Assembly within each of the said Provinces respectively, and for the making of Laws; and also the whole of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to make temporary Provision for the Government of Lower Canada*; and also the whole of an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the last Session of Parliament, for making temporary Provision for the Government of Lower Canada*; and also the whole of an Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend an Act of the Fourteenth Year of His Majesty King George the Third, for establishing a Fund towards defraying the Charges of the Administration of Justice and the Support of Civil Government in the Province of Quebec in America*, shall continue and remain in force until the Day on which it shall be declared, by Proclamation as aforesaid, that the said Two Provinces shall constitute and be One Province as aforesaid, and shall be repealed on, from, and after such Day: Provided always, that the Repeal of the said several Acts of Parliament and Parts of Acts of Parliament shall not be held to revive or give any Force or Effect to any Enactment which has by the said Acts, or any of them, been repealed or determined.

31 G. 3. c. 31.

1 & 2 Vict. c. 9.

2 & 3 Vict. c. 53.

1 & 2 W. 4. c. 23.

14 G. 3. c. 88.

III. And be it enacted, That from and after the Re-union of the said Two Provinces there shall be within the Province of Canada One Legislative Council and One Assembly, to be severally constituted and composed in the Manner herein-after prescribed, which shall be called "The Legislative Council and Assembly of Canada;" and that, within the Province of Canada, Her Majesty shall have Power, by and with the Advice and Consent of the said Legislative Council and Assembly, to make Laws for the Peace, Welfare, and good Government of the Province of Canada, such Laws not being repugnant to this Act, or to such Parts of the said Act passed in the Thirty-first Year of the Reign of His said late Majesty as are not hereby repealed, or to any Act of Parliament made or to be made, and not hereby repealed, which does or shall, by express Enactment or by necessary Intendment, extend to the Provinces of Upper and Lower Canada, or to either of them, or to the Province of Canada; and that all such Laws being passed by the said Legislative Council and Assembly, and assented to by Her Majesty, or assented to in Her Majesty's Name by the Governor of the Province of Canada, shall be valid and binding to all Intents and Purposes within the Province of Canada.

Composition
and Powers of
Legislature.

Appointment
of Legislative
Councillors.

IV. And be it enacted, That for the Purpose of composing the Legislative Council of the Province of *Canada* it shall be lawful for Her Majesty, before the Time to be appointed for the First Meeting of the said Legislative Council and Assembly, by an Instrument under the Sign Manual, to authorize the Governor, in Her Majesty's Name, by an Instrument under the Great Seal of the said Province, to summon to the said Legislative Council of the said Province such Persons, being not fewer than Twenty, as Her Majesty shall think fit; and that it shall also be lawful for Her Majesty from Time to Time to authorize the Governor in like Manner to summon to the said Legislative Council such other Person or Persons as Her Majesty shall think fit, and that every Person who shall be so summoned shall thereby become a Member of the Legislative Council of the Province of *Canada*: Provided always, that no Person shall be summoned to the said Legislative Council of the Province of *Canada* who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of Her Majesty, or a Subject of Her Majesty naturalized by Act of the Parliament of *Great Britain*, or by Act of the Parliament of the United Kingdom of *Great Britain and Ireland*, or by an Act of the Legislature of either of the Provinces of *Upper* or *Lower Canada*, or by an Act of the Legislature of the Province of *Canada*.

Qualification of
Legislative
Councillors.

Tenure of Office
of Councillor.

V. And be it enacted, That every Member of the Legislative Council of the Province of *Canada* shall hold his Seat therein for the Term of his Life, but subject nevertheless to the Provisions herein-after contained for vacating the same.

Resignation of
Legislative
Councillor.

VI. And be it enacted, That it shall be lawful for any Member of the Legislative Council of the Province of *Canada* to resign his Seat in the said Legislative Council, and upon such Resignation the Seat of such Legislative Councillor shall become vacant.

Vacating Seat
by Absence.

VII. And be it enacted, That if any Legislative Councillor of the Province of *Canada* shall for Two successive Sessions of the Legislature of the said Province fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the said Province, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a public Defaulter, or be attainted of Treason, or be convicted of Felony or of any infamous Crime, his Seat in such Council shall thereby become vacant.

Trial of
Questions.

VIII. And be it enacted, That any Question which shall arise respecting any Vacancy in the Legislative Council of the Province

Province of *Canada*, on occasion of any of the Matters aforesaid, shall be referred by the Governor of the Province of *Canada* to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful, either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for the said Province on Her Majesty's Behalf, to appeal from the Determination of the said Council in such Case to Her Majesty, and that the Judgment of Her Majesty given with the Advice of Her Privy Council thereon shall be final and conclusive to all Intents and Purposes.

IX. And be it enacted, That the Governor of the Province of *Canada* shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of the said Province, to appoint One Member of the said Legislative Council to be Speaker of the said Legislative Council, and to remove him, and appoint another in his Stead. Appointment of Speaker.

X. And be it enacted, That the Presence of at least Ten Quorum. Members of the said Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers; and that all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Division. Voices of the Members present other than the Speaker, and when the Voices shall be equal the Speaker shall have the Casting Vote. casting Vote.

XI. And be it enacted, That for the Purpose of constituting the Legislative Assembly of the Province of *Canada* it shall be lawful for the Governor of the said Province, within the Time herein-after mentioned, and thereafter from Time to Time as Occasion shall require, in Her Majesty's Name, and by an Instrument or Instruments under the Great Seal of the said Province, to summon and call together a Legislative Assembly in and for the said Province. Convoking the Assembly.

XII. And be it enacted, That in the Legislative Assembly of the Province of *Canada* to be constituted as aforesaid the Parts of the said Province which now constitute the Provinces of *Upper* and *Lower Canada* respectively shall, subject to the Provisions herein-after contained, be represented by an equal Number of Representatives, to be elected for the Places and in the Manner herein-after mentioned. Representatives for each Province.

XIII. And be it enacted, That the County of *Halton* in the Province of *Upper Canada* shall be divided into Two Ridings, to be called respectively the East Riding and the West Riding; and that the East Riding of the said County shall consist of the following Townships, namely, *Trafalgar, Nelson, Esquesing, Nassagawega, East Flamborough, West Flamborough, Ering, Beverley*; and that the West Riding of the said County shall consist of the following Townships, namely, *Garafraxa, Nichol, Woolwich, Guelph, Waterloo, Wilmot, Dumfries, Puslinch, Erasmosa*; and that the East Riding and West Riding of the said County shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*. County of Halton.

County of
Northumber-
land.

XIV. And be it enacted, That the County of *Northumberland* in the Province of *Upper Canada* shall be divided into Two Ridings, to be called respectively the North Riding and the South Riding; and that the North Riding of the last-mentioned County shall consist of the following Townships, namely, *Monaghan, Otonabee, Asphodel, Smith, Douro, Dummer, Belmont, Methuen, Burleigh, Harvey, Emily, Gore, Ennismore*; and that the South Riding of the last-mentioned County shall consist of the following Townships, namely, *Hamilton, Haldimand, Cramak, Murray, Seymour, Percy*; and that the North Riding and South Riding of the last-mentioned County shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

County of
Lincoln.

XV. And be it enacted, That the County of *Lincoln* in the Province of *Upper Canada* shall be divided into Two Ridings, to be called respectively the North Riding and the South Riding; and that the North Riding shall be formed by uniting the First Riding and Second Riding of the said County, and the South Riding by uniting the Third Riding and Fourth Riding of the said County; and that the North and South Riding of the last-mentioned County shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Other County
Constituency of
Upper Canada.

XVI. And be it enacted, That every County and Riding, other than those herein-before specified, which at the Time of the passing of this Act was by Law entitled to be represented in the Assembly of the Province of *Upper Canada*, shall be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Town Con-
stituency of Upper
Canada.

XVII. And be it enacted, That the City of *Toronto* shall be represented by Two Members, and the Towns of *Kingston, Brockville, Hamilton, Cornwall, Niagara, London, and Bytown* shall each be represented by One Member in the Legislative Assembly of the Province of *Canada*.

County Con-
stituency of
Lower Canada.
1 & 2 Vict. c. 9.

XVIII. And be it enacted, That every County which before and at the Time of the passing of the said Act of Parliament, intituled *An Act to make temporary Provision for the Government of Lower Canada*, was entitled to be represented in the Assembly of the Province of *Lower Canada*, except the Counties of *Montmorency, Orleans, L'Assomption, La Chesnaye, L'Acadie, Laprairie, Dorchester, and Beauce*, herein-after mentioned, shall be represented by One Member in the Legislative Assembly of the Province of *Canada*.

Further Pro-
vision as to
Constituency of
Lower Canada.

XIX. And be it enacted, That the said Counties of *Montmorency* and *Orleans* shall be united into and form One County, to be called the County of *Montmorency*; and that the said Counties of *L'Assomption* and *La Chesnaye* shall be united into and form One County, to be called the County of *Leinster*; and that the said Counties of *L'Acadie* and *Laprairie* shall be united into and form One County, to be called the County of *Huntingdon*; and that the Counties of *Dorchester* and *Beauce* shall be united into and form One County, to be called the
County

County of *Dorchester*; and that each of the said Counties of *Montmorency*, *Leinster*, *Huntingdon*, and *Dorchester* shall be represented by One Member in the Legislative Assembly of the said Province of *Canada*.

XX. And be it enacted, That the Cities of *Quebec* and *Montreal* shall each be represented by Two Members, and the Towns of *Three Rivers* and *Sherbrooke* shall each be represented by One Member, in the Legislative Assembly of the Province of *Canada*.

Town Constituency of Lower Canada.

XXI. And be it enacted, That for the Purpose of electing their several Representatives to the said Legislative Assembly, the Cities and Towns herein-before mentioned shall be deemed to be bounded and limited in such Manner as the Governor of the Province of *Canada*, by Letters Patent under the Great Seal of the Province, to be issued within Thirty Days after the Union of the said Provinces of *Upper Canada* and *Lower Canada*, shall set forth and describe; and such Parts of any such City or Town (if any) which shall not be included within the Boundary of such City or Town respectively by such Letters Patent for the Purposes of this Act shall be taken to be a Part of the adjoining County or Riding, for the Purpose of being represented in the said Legislative Assembly.

Boundaries of Cities and Towns to be settled by the Governor.

XXII. And be it enacted, That for the Purpose of electing the Members of the Legislative Assembly of the Province of *Canada*, it shall be lawful for the Governor of the said Province, from Time to Time, to nominate proper Persons to execute the Office of Returning Officer in each of the Counties, Ridings, Cities, and Towns which shall be represented in the Legislative Assembly of the Province of *Canada*, subject nevertheless to the Provisions herein-after contained.

Returning Officers.

XXIII. And be it enacted, That no Person shall be obliged to execute the said Office of Returning Officer for any longer Term than One Year, or oftener than once, unless it shall be at any Time otherwise provided by some Act or Acts of the Legislature of the Province of *Canada*.

Term of Office of Returning Officer.

XXIV. And be it enacted, That Writs for the Election of Members to serve in the Legislative Assembly of the Province of *Canada* shall be issued by the Governor of the said Province, within Fourteen Days after the sealing of such Instrument as aforesaid, for summoning and calling together such Legislative Assembly; and that such Writs shall be directed to the Returning Officers of the said Counties, Riding, Cities, and Towns respectively; and that such Writs shall be made returnable within Fifty Days at farthest from the Day on which they shall bear Date, unless it shall at any Time be otherwise provided by any Act of the Legislature of the said Province; and that Writs shall in like Manner and Form be issued for the Election of Members in the Case of any Vacancy which shall happen by the Death or Resignation of the Person chosen, or by his being summoned to the Legislative Council of the said Province, or from any other legal Cause; and that such Writs shall be made returnable within Fifty Days at farthest from the Day on which

Writs of Election.

they shall bear Date, unless it shall be at any Time otherwise provided by any Act of the Legislature of the said Province; and that in any Case of any such Vacancy which shall happen by the Death of the Person chosen, or by reason of his being so summoned as aforesaid, the Writ for the Election of a new Member shall be issued within Six Days after Notice thereof shall have been delivered to or left at the Office of the proper Officer for issuing such Writs of Election.

Time and Place
of holding
Elections.

XXV. And be it enacted, That it shall be lawful for the Governor of the Province of *Canada* for the Time being to fix the Time and Place of holding Elections of Members to serve in the Legislative Assembly of the said Province, until otherwise provided for as herein-after is mentioned, giving not less than Eight Days Notice of such Time and Place.

Power to alter
System of Re-
presentation.

XXVI. And be it enacted, That it shall be lawful for the Legislature of the Province of *Canada*, by any Act or Acts to be hereafter passed, to alter the Divisions and Extent of the several Counties, Ridings, Cities, and Towns which shall be represented in the Legislative Assembly of the Province of *Canada*, and to establish new and other Divisions of the same, and to alter the Apportionment of Representatives to be chosen by the said Counties, Ridings, Cities, and Towns respectively, and make a new and different Apportionment of the Number of Representatives to be chosen in and for those Parts or the Province of *Canada* which now constitute the said Provinces of *Upper* and *Lower Canada* respectively, and in and for the several Districts, Counties, Ridings, and Towns in the same, and to alter and regulate the Appointment of Returning Officers in and for the same, and make Provision, in such Manner as they may deem expedient, for the issuing and Return of Writs for the Election of Members to serve in the said Legislative Assembly, and the Time and Place of holding such Elections: Provided always, that it shall not be lawful to present to the Governor of the Province of *Canada* for Her Majesty's Assent any Bill of the Legislative Council and Assembly of the said Province by which the Number of Representatives in the Legislative Assembly may be altered, unless the Second and Third Reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council, and of Two Thirds of the Members for the Time being of the said Legislative Assembly respectively, and the Assent of Her Majesty shall not be given to any such Bill unless Addresses shall have been presented by the Legislative Council and the Legislative Assembly respectively to the Governor, stating that such Bill has been so passed.

Proviso.

The present
Election Laws
of the Two
Provinces to
apply until
altered.

XXVII. And be it enacted, That until Provisions shall otherwise be made by an Act or Acts of the Legislature of the Province of *Canada* all the Laws which at the Time of the passing of this Act are in force in the Province of *Upper Canada*, and all the Laws which at the Time of the passing of the said

Act of Parliament, intituled *An Act to make temporary Provision*

for the Government of Lower Canada, were in force in the Province of *Lower Canada*, relating to the Qualification and Disqualification of any Person to be elected or to sit or vote as a Member of the Assembly in the said Provinces respectively, (except those which require a Qualification of Property in Candidates for Election, for which Provision is herein-after made,) and relating to the Qualification and Disqualification of Voters at the Election of Members to serve in the Assemblies of the said Provinces respectively, and to the Oaths to be taken by any such Voters, and to the Powers and Duties of Returning Officers, and the Proceedings at such Elections, and the Period during which such Elections may be lawfully continued, and relating to the Trial of controverted Elections, and the Proceedings incident thereto, and to the vacating of Seats of Members, and the issuing and Execution of new Writs in case of any Seat being vacated otherwise than by a Dissolution of the Assembly, shall respectively be applied to Elections of Members to serve in the Legislative Assembly of the Province of *Canada* for Places situated in those Parts of the Province of *Canada* for which such Laws were passed.

XXVIII. And be it enacted, That no Person shall be capable of being elected a Member of the Legislative Assembly of the Province of *Canada* who shall not be legally or equitably seised as of Freehold, for his own Use and Benefit, of Lands or Tenements held in Free and Common Socage, or seised or possessed, for his own Use and Benefit, of Lands or Tenements held in Fief or in Roture, within the said Province of *Canada*, of the Value of Five hundred Pounds of Sterling Money of *Great Britain*, over and above all Rents, Charges, Mortgages, and Incumbrances charged upon and due and payable out of or affecting the same; and that every Candidate at such Election, before he shall be capable of being elected, shall, if required by any other Candidate, or by any Elector, or by the Returning Officer, make the following Declaration:

Qualification of Members.

‘ I *A.B.* do declare and testify, That I am duly seised at Law or in Equity as of Freehold, for my own Use and Benefit, of Lands or Tenements held in Free and Common Socage, [or duly seised or possessed, for my own Use and Benefit, of Lands or Tenements held in Fief or in Roture (*as the Case may be*),] in the Province of *Canada*, of the Value of Five hundred Pounds of Sterling Money of *Great Britain*, over and above, all Rents, Mortgages, Charges, and Incumbrances charged upon or due and payable out of or affecting the same; and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements, or any Part thereof, for the Purpose of qualifying or enabling me to be returned a Member of the Legislative Assembly of the Province of *Canada*.’

Declaration of Candidates for Election.

XXIX. And be it enacted, That if any Person shall knowingly and wilfully make a false Declaration respecting his Qualification as a Candidate at any Election as aforesaid, such Person shall be deemed to be guilty of a Misdemeanor,

Persons making false Declaration liable to the Penalties of Perjury.

and being thereof lawfully convicted shall suffer the like Pains and Penalties as by Law are incurred by Persons guilty of wilful and corrupt Perjury in the Place in which such false Declaration shall have been made.

Place and
Times of hold-
ing Parliament.

XXX. And be it enacted, That it shall be lawful for the Governor of the Province of *Canada* for the Time being to fix such Place or Places within any Part of the Province of *Canada*, and such Times for holding the First and every other Session of the Legislative Council and Assembly of the said Province, as he may think fit, such Times and Places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general Convenience and the Public Welfare, giving sufficient Notice thereof; and also to prorogue the said Legislative Council and Assembly from Time to Time, and dissolve the same, by Proclamation or otherwise, whenever he shall deem it expedient.

Duration of
Parliament.

XXXI. And be it enacted, That there shall be a Session of the Legislative Council and Assembly of the Province of *Canada* once at least in every Year, so that a Period of Twelve Calendar Months shall not intervene between the last Sitting of the Legislative Council and Assembly in One Session and the First Sitting of the Legislative Council and Assembly in the next Session; and that every Legislative Assembly of the said Province hereafter to be summoned and chosen shall continue for Four Years from the Day of the Return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor of the said Province.

First calling
together of the
Legislature.

XXXII. And be it enacted, That the Legislative Council and Assembly of the Province of *Canada* shall be called together for the First Time at some Period not later than Six Calendar Months after the Time at which the Provinces of *Upper* and *Lower Canada* shall become re-united as aforesaid.

Election of the
Speaker.

XXXIII. And be it enacted, That the Members of the Legislative Assembly of the Province of *Canada* shall, upon the First Assembling after every General Election, proceed forthwith to elect One of their Number to be Speaker; and in case of his Death, Resignation, or Removal by a Vote of the said Legislative Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker; and the Speaker so elected shall preside at all Meetings of the said Legislative Assembly.

Quorum.

XXXIV. And be it enacted, That the Presence of at least Twenty Members of the Legislative Assembly of the Province of *Canada*, including the Speaker, shall be necessary to constitute a Meeting of the said Legislative Assembly for the Exercise of its Powers; and that all Questions which shall arise in the said Assembly shall be decided by the Majority of Voices of such Members as shall be present, other than the Speaker, and when the Voices shall be equal the Speaker shall have the casting Voice.

Division.

Casting Vote.

XXXV. And

XXXV. And be it enacted, That no Member, either of the Legislative Council or of the Legislative Assembly of the Province of *Canada*, shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor of the said Province, or before some Person or Persons authorized by such Governor to administer such Oath:

No Member to sit or vote until he has taken the following Oath of Allegiance.

‘ I *A. B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*, as lawful Sovereign of the United Kingdom of *Great Britain* and *Ireland*, and of this Province of *Canada*, dependent on and belonging to the said United Kingdom; and that I will defend Her to the utmost of my Power against all traitorous Conspiracies and Attempts whatever which shall be made against Her Person, Crown, and Dignity; and that I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies and Attempts which I shall know to be against Her or any of them; and all this I do swear without any Equivocation, mental Evasion, or secret Reservation, and renouncing all Pardons and Dispositions from any Person or Persons whatever to the contrary.
So help me GOD.’

Oath of Allegiance.

XXXVI. And be it enacted, That every Person authorized by Law to make an Affirmation instead of taking an Oath may make such Affirmation in every Case in which an Oath is herein-before required to be taken.

Affirmation instead of Oath.

XXXVII. And be it enacted, That whenever any Bill which has been passed by the Legislative Council and Assembly of the Province of *Canada* shall be presented for Her Majesty's Assent to the Governor of the said Province, such Governor shall declare, according to his Discretion, but subject nevertheless to the Provisions contained in this Act, and to such Instructions as may from Time to Time be given in that Behalf by Her Majesty, Her Heirs or Successors, that he assents to such Bill in Her Majesty's Name, or that he withholds Her Majesty's Assent, or that he reserves such Bill for the Signification of Her Majesty's Pleasure thereon.

Giving or withholding Assent to Bills.

XXXVIII. And be it enacted, That whenever any Bill which shall have been presented for Her Majesty's Assent to the Governor of the said Province of *Canada* shall by such Governor have been assented to in Her Majesty's Name, such Governor shall by the first convenient Opportunity transmit to One of Her Majesty's Principal Secretaries of State an authentic Copy of such Bill so assented to; and that it shall be lawful, at any Time within Two Years after such Bill shall have been so received by such Secretary of State, for Her Majesty, by Order in Council, to declare Her Disallowance of such Bill; and that such Disallowance, together with a Certificate under the Hand and Seal of such Secretary of State, certifying the Day on which such Bill was received as aforesaid, being signified by such Governor to the Legislative Council

Disallowance of Bills assented to.

Council and Assembly of *Canada*, by Speech or Message to the Legislative Council and Assembly of the said Province, or by Proclamation, shall make void and annul the same from and after the Day of such Signification.

Assent to Bills
reserved.

XXXIX. And be it enacted, That no Bill which shall be reserved for the Signification of Her Majesty's Pleasure thereon shall have any Force or Authority within the Province of *Canada* until the Governor of the said Province shall signify, either by Speech or Message to the Legislative Council and Assembly of the said Province, or by Proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same; and that an Entry shall be made in the Journals of the said Legislative Council of every such Speech, Message, or Proclamation, and a Duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept among the Records of the said Province; and that no Bill which shall be so reserved as aforesaid shall have any Force or Authority in the said Province unless Her Majesty's Assent thereto shall have been so signified as aforesaid within the Space of Two Years from the Day on which such Bill shall have been presented for Her Majesty's Assent to the Governor as aforesaid.

Authority of
the Governor.

XL. Provided always, and be it enacted, That nothing herein contained shall be construed to limit or restrain the Exercise of Her Majesty's Prerogative in authorizing, and that notwithstanding this Act, and any other Act or Acts passed in the Parliament of *Great Britain*, or in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, or of the Legislature of the Province of *Quebec*, or of the Provinces of *Upper* or *Lower Canada* respectively, it shall be lawful for Her Majesty to authorize the Lieutenant Governor of the Province of *Canada* to exercise and execute, within such Parts of the said Province as Her Majesty shall think fit, notwithstanding the Presence of the Governor within the Province, such of the Powers, Functions, and Authority, as well judicial as other, which before and at the Time of passing of this Act were and are vested in the Governor, Lieutenant Governor, or Person administering the Government of the Provinces of *Upper Canada* and *Lower Canada* respectively, or of either of them, and which from and after the said Re-union of the said Two Provinces shall become vested in the Governor of the Province of *Canada*; and to authorize the Governor of the Province of *Canada* to assign, depute, substitute, and appoint any Person or Persons, jointly or severally, to be his Deputy or Deputies within any Part or Parts of the Province of *Canada*, and in that Capacity to exercise, perform, and execute during the Pleasure of the said Governor such of the Powers, Functions, and Authorities, as well judicial as other, as before and at the Time of the passing of this Act were and are vested in the Governor, Lieutenant Governor, or Person administering the Government of the Provinces of *Upper* and *Lower Canada* respectively, and which from and after the Union of the said Provinces shall become vested in the

the Governor of the Province of *Canada*, as the Governor of the Province of *Canada* shall deem to be necessary or expedient: Provided always, that by the Appointment of a Deputy or Deputies as aforesaid the Power and Authority of the Governor of the Province of *Canada* shall not be abridged, altered, or in any way affected otherwise than as Her Majesty shall think proper to direct.

XLII. And be it enacted, That from and after the said Reunion of the said Two Provinces all Writs, Proclamations, Instruments for summoning and calling together the Legislative Council and Legislative Assembly of the Province of *Canada*, and for proroguing and dissolving the same, and all Writs of Summons and Election, and all Writs and public Instruments whatsoever relating to the said Legislative Council and Legislative Assembly, or either of them, and all Returns to such Writs and Instruments, and all Journals, Entries, and written or printed Proceedings, of what Nature soever, of the said Legislative Council and Legislative Assembly, and of each of them respectively, and all written or printed Proceedings and Reports of Committees of the said Legislative Council and Legislative Assembly respectively, shall be in the *English* Language only: Provided always, that this Enactment shall not be construed to prevent translated Copies of any such Documents being made, but no such Copy shall be kept among the Records of the Legislative Council or Legislative Assembly, or be deemed in any Case to have the Force of an original Record.

Language of
Legislative
Records.

repealed by 114/2
v. c 46

XLIII. And be it enacted, That whenever any Bill or Bills shall be passed by the Legislative Council and Assembly of the Province of *Canada*, containing any Provisions to vary or repeal any of the Provisions now in force contained in an Act of the Parliament of *Great Britain* passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making more effectual Provision for the Government of the Province of Quebec in North America*, or in the aforesaid Acts of Parliament passed in the Thirty-first Year of the same Reign, respecting the accustomed Dues and Rights of the Clergy of the Church of *Rome*; or to vary or repeal any of the several Provisions contained in the said last-mentioned Act, respecting the Allotment and Appropriation of Lands for the Support of the Protestant Clergy within the Province of *Canada*, or respecting the constituting, erecting, or endowing of Parsonages or Rectories within the Province of *Canada*, or respecting the Presentation of Incumbents or Ministers of the same, or respecting the Tenure on which such Incumbents or Ministers shall hold or enjoy the same; and also that whenever any Bill or Bills shall be passed containing any Provisions which shall in any Manner relate to or affect the Enjoyment or Exercise of any Form or Mode of Religious Worship, or shall impose or create any Penalties, Burdens, Disabilities, or Disqualifications in respect of the same, or shall in any Manner relate to or affect the Payment, Recovery, or Enjoyment of any of the accustomed Dues or Rights herein-before mentioned, or shall

Ecclesiastical
and Crown
Rights.

14 G. S. c. 83.

in

in any Manner relate to the granting, imposing, or recovering of any other Dues, or Stipends, or Emoluments, to be paid to or for the Use of any Minister, Priest, Ecclesiastic, or Teacher, according to any Form or Mode of Religious Worship, in respect of his said Office or Function; or shall in any Manner relate to or affect the Establishment or Discipline of the United Church of *England* and *Ireland* among the Members thereof within the said Province; or shall in any Manner relate to or affect Her Majesty's Prerogative touching the granting of Waste Lands of the Crown within the said Province; every such Bill or Bills shall, previously to any Declaration or Signification of Her Majesty's Assent thereto, be laid before both Houses of Parliament of the United Kingdom of *Great Britain* and *Ireland*; and that it shall not be lawful for Her Majesty to signify Her Assent to any such Bill or Bills until Thirty Days after the same shall have been laid before the said Houses, or to assent to any such Bill or Bills in case either House of Parliament shall, within the said Thirty Days, address Her Majesty to withhold Her Assent from any such Bill or Bills; and that no such Bill shall be valid or effectual to any of the said Purposes within the said Province of *Canada* unless the Legislative Council and Assembly of such Province shall, in the Session in which the same shall have been passed by them, have presented to the Governor of the said Province an Address or Addresses specifying that such Bill or Bills contains Provisions for some of the Purposes herein-before specially described, and desiring that, in order to give Effect to the same, such Bill or Bills may be transmitted to *England* without Delay, for the Purpose of its being laid before Parliament previously to the Signification of Her Majesty's Assent thereto.

Colonial
Taxation.
18 G. 3. c. 12.

XLIII. ' And whereas by an Act passed in the Eighteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the Colonies, Provinces, and Plantations in North America and the West Indies; and for repealing so much of an Act made in the Seventh Year of the Reign of His present Majesty as imposes a Duty on Tea imported from Great Britain into any Colony or Plantation in America, or relating thereto*, it was declared, that "the King and Parliament of *Great Britain* would not impose any Duty, Tax, or Assessment whatever, payable in any of His Majesty's Colonies, Provinces and Plantations in *North America* or the *West Indies*, except only such Duties as it might be expedient to impose for the Regulation of Commerce, the net Produce of such Duties to be always paid and applied to and for the Use of the Colony, Province, or Plantation in which the same shall be respectively levied, in such Manner as other Duties collected by the Authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations were ordinarily paid and applied:" And whereas it is necessary, for the general Benefit of the Empire, that such Power of Regulation

'lation of Commerce should continue to be exercised by Her Majesty and the Parliament of the United Kingdom of Great Britain and Ireland, subject nevertheless to the Conditions herein-before recited with respect to the Application of any Duties which may be imposed for that Purpose;' be it therefore enacted, That nothing in this Act contained shall prevent or affect the Execution of any Law which hath been or shall be made in the Parliament of the said United Kingdom for establishing Regulations and Prohibitions, or for the imposing, levying, or collecting Duties for the Regulation of Navigation, or for the Regulation of the Commerce between the Province of Canada and any other Part of Her Majesty's Dominions, or between the said Province of Canada or any Part thereof and any Foreign Country or State, or for appointing and directing the Payment of Drawbacks of such Duties so imposed, or to give to Her Majesty any Power or Authority, by and with the Advice and Consent of such Legislative Council and Assembly of the said Province of Canada, to vary or repeal any such Law or Laws, or any Part thereof, or in any Manner to prevent or obstruct the Execution thereof: Provided always, that the net Produce of all Duties which shall be so imposed shall at all Times hereafter be applied to and for the Use of the said Province of Canada, and (except as herein-after provided) in such Manner only as shall be directed by any Law or Laws which may be made by Her Majesty, by and with the Advice and Consent of the Legislative Council and Assembly of such Province.

XLIV. 'And whereas by the Laws now in force in the said Province of *Upper Canada* the Governor, Lieutenant Governor, or Person administering the Government of the said Province, or the Chief Justice of the said Province, together with any Two or more of the Members of the Executive Council of the said Province, constitute and are a Court of Appeal for hearing and determining all Appeals from such Judgments or Sentences as may lawfully be brought before them: And whereas by an Act of the Legislature of the said Province of *Upper Canada*, passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intitled *An Act to establish a Court of Probate in the said Province, and also a Surrogate Court in every District thereof*, there was and is established a Court of Probate in the said Province, in which Act it was enacted that the Governor, Lieutenant Governor, or Person administering the Government of the said last-mentioned Province should preside, and that he should have the Powers and Authorities in the said Act specified: And whereas by an Act of the Legislature of the said Province of *Upper Canada*, passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intitled *An Act respecting the Time and Place of Sitting of the Court of King's Bench*, it was among other things enacted, that His Majesty's Court of King's Bench in that Province should be holden in a Place certain; that is, in the City, Town, or Place

Courts of Appeal, Probate, Queen's Bench, and Chancery, in Upper Canada; and Court of Appeal in Lower Canada.

(Laws of Upper Canada, 33 G.3. sess. 2. c. 8.)

(Laws of Upper Canada, 2 W. 4. c. 8.)

(Laws of
Upper Canada,
7 W. 4. c. 2.)

(Laws of
Lower Canada,
34 G. 3.)

‘ Place which should be for the Time being the Seat of the
 ‘ Civil Government of the said Province or within One Mile
 ‘ therefrom: And whereas by an Act of the Legislature of the
 ‘ said Province of *Upper Canada*, passed in the Seventh Year of
 ‘ the Reign of His late Majesty King *William* the Fourth, inti-
 ‘ tuled *An Act to establish a Court of Chancery in this Province*,
 ‘ it was enacted, that there should be constituted and estab-
 ‘ lished a Court of Chancery, to be called and known by the
 ‘ Name and Style of “The Court of Chancery for the Pro-
 ‘ vince of *Upper Canada*,” of which Court the Governor, Lieu-
 ‘ tenant Governor, or Person administering the Government of
 ‘ the said Province should be Chancellor; and which Court it
 ‘ was also enacted, should be holden at the Seat of Government
 ‘ in the said Province, or in such other Place as should be ap-
 ‘ pointed by Proclamation of the Governor, Lieutenant Go-
 ‘ vernor, or Person administering the Government of the said
 ‘ Province: And whereas by an Act of the Legislature of the
 ‘ Province of *Lower Canada*, passed in the Thirty-fourth Year
 ‘ of the Reign of His late Majesty King *George* the Third,
 ‘ intituled *An Act for the Division of the Province of Lower*
 ‘ *Canada, for amending the Judicature thereof, and for repealing*
 ‘ *certain Laws therein mentioned*, it was enacted, that the Go-
 ‘ vernor, Lieutenant Governor, or the Person administering the
 ‘ Government, the Members of the Executive Council of the
 ‘ said Province, the Chief Justice thereof, and the Chief Justice
 ‘ to be appointed for the Court of King’s Bench at *Montreal*,
 ‘ or any Five of them, the Judges of the Court of the District
 ‘ wherein the Judgment appealed from was given excepted,
 ‘ should constitute a Superior Court of Civil Jurisdiction, or
 ‘ Provincial Court of Appeals, and should take cognizance of,
 ‘ hear, try, and determine all Causes, Matters, and Things ap-
 ‘ pealed from all Civil Jurisdictions and Courts wherein an
 ‘ Appeal is by Law allowed;’ be it enacted, That until other-
 ‘ wise provided by an Act of the Legislature of the Province of
 ‘ *Canada*, all judicial and ministerial Authority which before and
 ‘ at the Time of passing this Act was vested in or might be
 ‘ exercised by the Governor, Lieutenant Governor, or Person
 ‘ administering the Government of the said Province of *Upper*
 ‘ *Canada*, or the Members or any Number of the Members of
 ‘ the Executive Council of the same Province, or was vested in
 ‘ or might be exercised by the Governor, Lieutenant Governor,
 ‘ or the Person administering the Government of the Province
 ‘ of *Lower Canada*, and the Members of the Executive Council of
 ‘ that Province, shall be vested in and may be exercised by the
 ‘ Governor, Lieutenant Governor, or Person administering the
 ‘ Government of the Province of *Canada*, and in the Members
 ‘ or the like Number of the Members of the Executive Council
 ‘ of the Province of *Canada* respectively; and that, until other-
 ‘ wise provided by Act or Acts of the Legislature of the Province
 ‘ of *Canada*, the said Court of King’s Bench, now called the
 ‘ Court of Queen’s Bench of *Upper Canada*, shall from and after
 ‘ the Union of the Provinces of *Upper* and *Lower Canada* be
 ‘ holden

holden at the City of *Toronto*, or within One Mile from the Municipal Boundary of the said City of *Toronto*: Provided always, that, until otherwise provided by Act or Acts of the Legislature of the Province of *Canada*, it shall be lawful for the Governor of the Province of *Canada*, by and with the Advice and Consent of the Executive Council of the same Province, by his Proclamation to fix and appoint such other Place as he may think fit within that Part of the last-mentioned Province which now constitutes the Province of *Upper Canada* for the holding of the said Court of Queen's Bench.

XLV. And be it enacted, That all Powers, Authorities, and Functions which by the said Act passed in the Thirty-first Year of the Reign of His late Majesty King *George* the Third, or by any other Act of Parliament, or by any Act of the Legislature of the Provinces of *Upper* and *Lower Canada* respectively, are vested in or are authorized or required to be exercised by the respective Governors or Lieutenant Governors of the said Provinces, with the Advice or with the Advice and Consent of the Executive Council of such Provinces respectively, or in conjunction with such Executive Council, or with any Number of the Members thereof, or by the said Governors or Lieutenant Governors individually and alone, shall, in so far as the same are not repugnant to or inconsistent with the Provision of this Act, be vested in and may be exercised by the Governor of the Province of *Canada*, with the Advice or with the Advice and Consent of, or in conjunction, as the Case may require, with such Executive Council, or any Members thereof, as may be appointed by Her Majesty for the Affairs of the Province of *Canada*, or by the said Governor of the Province of *Canada* individually and alone in Cases where the Advice, Consent, or Concurrence of the Executive Council is not required.

Powers to be exercised by Governor with the Executive Council or alone.

XLVI. And be it enacted, That all Laws, Statutes, and Ordinances which at the Time of the Union of the Provinces of *Upper Canada* and *Lower Canada* shall be in force within the said Provinces or either of them, or any Part of the said Provinces respectively, shall remain and continue to be of the same Force, Authority, and Effect in those Parts of the Province of *Canada* which now constitute the said Provinces respectively as if this Act had not been made, and as if the said Two Provinces had not been united as aforesaid, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the Authority of this Act, be repealed or varied by any Act or Acts of the Legislature of the Province of *Canada*.

Existing Laws saved.

XLVII. And be it enacted, That all the Courts of Civil and Criminal Jurisdiction within the Provinces of *Upper* and *Lower Canada* at the Time of the Union of the said Provinces, and all legal Commissions, Powers, and Authorities, and all Officers, judicial, administrative, or ministerial, within the said Provinces respectively, except in so far as the same may be abolished, altered, or varied by or may be inconsistent with the Provisions of this Act, or shall be abolished, altered, or varied by any Act

Courts of Justice, Commissions, Officers, &c.

Act or Acts of the Legislature of the Province of *Canada*, shall continue to subsist within those Parts of the Province of *Canada* which now constitute the said Two Provinces respectively, in the same Form and with the same Effect as if this Act had not been made, and as if the said Two Provinces had not been reunited as aforesaid.

Provision respecting temporary Acts.

XLVIII. ' And whereas the Legislatures of the said Provinces of *Upper* and *Lower Canada* have from Time to Time passed Enactments, which Enactments were to continue in force for a certain Number of Years after the passing thereof, "and from thence to the End of the then next ensuing Session of the Legislature of the Province in which the same were passed;" be it therefore enacted, That whenever the Words "and from thence to the End of the then next ensuing Session of the Legislature," or Words to the same Effect, have been used in any temporary Act of either of the said Two Provinces which shall not have expired before the Re-union of the said Two Provinces, the said Words shall be construed to extend and apply to the next Session of the Legislature of the Province of *Canada*.

Repeal of Part of 3 G. 4. c. 119.

XLIX. ' And whereas by a certain Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other Purposes relating to the said Provinces*, certain Provisions were made for appointing Arbitrators, with Power to hear and determine certain Claims of the Province of *Upper Canada* upon the Province of *Lower Canada*, and to hear any Claim which might be advanced on the Part of the Province of *Upper Canada* to a Proportion of certain Duties therein mentioned, and for prescribing the Course of Proceeding to be pursued by such Arbitrators; be it enacted, That the said recited Provisions of the said last-mentioned Act, and all Matters in the same Act contained which are consequent to or dependent upon the said Provisions or any of them, shall be repealed.

Revenues of the Two Provinces to form a Consolidated Revenue Fund of the Province of *Canada*.

L. And be it enacted, That upon the Union of the Provinces of *Upper* and *Lower Canada* all Duties and Revenues over which the respective Legislatures of the said Provinces before and at the Time of the passing of this Act had and have Power of Appropriation shall form one Consolidated Revenue Fund, to be appropriated for the Public Service of the Province of *Canada*, in the Manner and subject to the Charges herein-after mentioned.

Consolidated Revenue Fund to be charged with Expence of Collection and Management.

LI. And be it enacted, That the said Consolidated Revenue Fund of the Province of *Canada* shall be permanently charged with all the Costs, Charges, and Expences incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expences being subject nevertheless to be reviewed and audited in such Manner as shall be directed by any Act of the Legislature of the Province of *Canada*.

45,000*l.* to be granted permanently, for

LII. And be it enacted, That out of the Consolidated Revenue Fund of the Province of *Canada* there shall be payable in every Year

Year to Her Majesty, Her Heirs and Successors, the Sum of Forty-five thousand Pounds, for defraying the Expence of the several Services and Purposes named in the Schedule marked A. to this Act annexed; and during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, there shall be payable to Her Majesty, Her Heirs and Successors, out of the said Consolidated Revenue Fund, a further Sum of Thirty thousand Pounds, for defraying the Expence of the several Services and Purposes named in the Schedule marked B. to this Act annexed; the said Sums of Forty-five thousand Pounds and Thirty thousand Pounds to be issued by the Receiver General in discharge of such Warrant or Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor; and the said Receiver General shall account to Her Majesty for the same, through the Lord High Treasurer or Lords Commissioners of Her Majesty's Treasury, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

the Services in Schedule A., and 30,000*l.* for the Life of Her Majesty and Five Years following, for those in Schedule B.

LIII. And be it enacted, That, until altered by any Act of the Legislature of the Province of *Canada*, the Salaries of the Governor and of the Judges shall be those respectively set against their several Offices in the said Schedule A.; but that it shall be lawful for the Governor to abolish any of the Offices named in the said Schedule B., or to vary the Sums appropriated to any of the Services or Purposes named in the said Schedule B.; and that the Amount of Saving which may accrue from any such Alteration in either of the said Schedules shall be appropriated to such Purposes connected with the Administration of the Government of the said Province as to Her Majesty shall seem fit; and that Accounts in detail of the Expenditure of the several Sums of Forty-five thousand Pounds and Thirty thousand Pounds herein-before granted, and of every Part thereof, shall be laid before the Legislative Council and Legislative Assembly of the said Province within Thirty Days next after the Beginning of the Session after such Expenditure shall have been made: Provided always, that not more than Two thousand Pounds shall be payable at the same Time for Pensions to the Judges out of the said Sum of Forty-five thousand Pounds, and that not more than Five thousand Pounds shall be payable at the same Time for Pensions out of the said Sum of Thirty thousand Pounds; and that a List of all such Pensions, and of the Persons to whom the same shall have been granted, shall be laid in every Year before the said Legislative Council and Legislative Assembly.

How the Appropriation of Sums granted may be varied.

LIV. And be it enacted, That, during the Time for which the said several Sums of Forty-five thousand Pounds and Thirty thousand Pounds are severally payable the same shall be accepted and taken by Her Majesty by way of Civil List, instead of all Territorial and other Revenues now at the Disposal of the Crown, arising in either of the said Provinces of *Upper Canada* or *Lower Canada*, or in the Province of *Canada*, and that Three Fifths of the net Produce of the said Territorial

Surrender of Hereditary Revenues of the Crown.

and other Revenues now at the Disposal of the Crown within the Province of *Canada* shall be paid over to the Account of the said Consolidated Revenue Fund; and also during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, the remaining Two Fifths of the net Produce of the said Territorial and other Revenues now at the Disposal of the Crown within the Province of *Canada* shall be also paid over in like Manner to the Account of the said Consolidated Revenue Fund.

Charges already
created in either
Province.

LV. And be it enacted, That the Consolidation of the Duties and Revenues of the said Province shall not be taken to affect the Payment out of the said Consolidated Revenue Fund of any Sum or Sums heretofore charged upon the Rates and Duties already raised, levied, and collected, or to be raised, levied, and collected, to and for the Use of either of the said Provinces of *Upper Canada* or *Lower Canada*, or of the Province of *Canada*, for such Time as shall have been appointed by the several Acts of the Legislature of the Province by which such Charges were severally authorized.

The Order of
Charges on the
Consolidated
Fund to be :
—1st. Expence
of Collection :
2d. Interest of
the Debt ;
3d. Payments
to the Clergy ;
4th. and 5th.
Civil List ;
6th. Other
Charges already
made on the
Public Revenue.

LVI. And be it enacted, That the Expences of the Collection, Management, and Receipt of the said Consolidated Revenue Fund shall form the First Charge thereon; and that the annual Interest of the Public Debt of the Provinces of *Upper* and *Lower Canada*, or of either of them, at the Time of the Re-union of the said Provinces, shall form the Second Charge thereon; and that the Payments to be made to the Clergy of the United Church of *England* and *Ireland*, and to Clergy of the Church of *Scotland*, and to Ministers of other Christian Denominations, pursuant to any Law or Usage whereby such Payments, before or at the Time of passing this Act, were or are legally or usually paid out of the Public or Crown Revenue of either of the Provinces of *Upper* and *Lower Canada*, shall form the Third Charge upon the said Consolidated Revenue Fund; and that the said Sum of Forty-five thousand Pounds shall form the Fourth Charge thereon; and that the said Sum of Thirty thousand Pounds, so long as the same shall continue to be payable, shall form the Fifth Charge thereon; and that the other Charges upon the Rates and Duties levied within the said Province of *Canada* herein-before reserved shall form the Sixth Charge thereon, so long as such Charges shall continue to be payable.

Subject to the
above Charges,
the Consoli-
dated Revenue
Fund to be ap-
propriated by
the Provincial
Legislature by
Bills originating
in the House of
Assembly for
Objects recom-
mended by the
Governor.

LVII. And be it enacted, That, subject to the several Payments hereby charged on the said Consolidated Revenue Fund, the same shall be appropriated by the Legislature of the Province of *Canada* for the Public Service, in such Manner as they shall think proper: Provided always, that all Bills for appropriating any Part of the Surplus of the said Consolidated Revenue Fund, or for imposing any new Tax or Impost, shall originate in the Legislative Assembly of the said Province of *Canada*: Provided also, that it shall not be lawful for the said Legislative Assembly to originate or pass any Vote, Resolution, or Bill for the Appropriation of any Part of the Surplus of the said

said Consolidated Revenue Fund, or of any other Tax or Impost, to any Purpose which shall not have been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed.

LVIII. And be it enacted, That it shall be lawful for the Governor, by an Instrument or Instruments to be issued by him for that Purpose under the Great Seal of the Province, to constitute Townships in those Parts of the Province of *Canada* in which Townships are not already constituted, and to fix the Metes and Bounds thereof, and to provide for the Election and Appointment of Township Officers therein, who shall have and exercise the like Powers as are exercised by the like Officers in the Townships already constituted in that Part of the Province of *Canada* now called *Upper Canada*; and every such Instrument shall be published by Proclamation, and shall have the Force of Law from a Day to be named in each Case in such Proclamation.

Townships to be constituted.

LIX. And be it enacted, That all Powers and Authorities expressed in this Act to be given to the Governor of the Province of *Canada* shall be exercised by such Governor in conformity with and subject to such Orders, Instructions, and Directions as Her Majesty shall from Time to Time see fit to make or issue.

Powers of Governor to be exercised subject to Instructions of Her Majesty.

LX. ' And whereas His late Majesty King *George* the Third, by His Royal Proclamation, bearing Date the Seventh Day of *October* in the Third Year of His Reign, was pleased to declare that He had put the Coast of *Labrador*, from the River *Saint John* to *Hudson's Straits*, with the Islands of *Anticosti* and *Madelaine*, and all other smaller Islands lying on the said Coast, under the Care and Inspection of the Governor of *Newfoundland*: And whereas by an Act passed in the Fourteenth Year of the Reign of His said late Majesty, intituled *An Act for making more effectual Provision for the Government of the Province of Quebec in North America*, all such Territories, Islands, and Counties which had, since the Tenth Day of *February* in the Year One thousand seven hundred and sixty-three, been made Part of the Government of *Newfoundland*, were during His Majesty's Pleasure annexed to and made Part and Parcel of the Province of *Quebec*, as created and established by the said Royal Proclamation; be it declared and enacted, That nothing in this or any other Act contained shall be construed to restrain Her Majesty, if She shall be so pleased, from annexing the *Magdalen Islands* in the Gulf of *Saint Lawrence* to Her Majesty's Island of *Prince Edward*.

Magdalen Islands may be annexed to the Island of *Prince Edward*.

14 G. 3. c. 83.

LXI. And be it enacted, That in this Act, unless otherwise expressed therein, the Words "Act of the Legislature of the Province of *Canada*" are to be understood to mean "Act of Her Majesty, Her Heirs or Successors, enacted by Her Majesty, or by the Governor on behalf of Her Majesty, with the Advice and Consent of the Legislative Council and Assembly of the Province

Interpretation Clause.

Province of *Canada* ;” and the Words “ Governor of the Province of *Canada* ” are to be understood as comprehending the Governor, Lieutenant Governor, or Person authorized to execute the Office or the Functions of Governor of the said Province.

Act may be
altered this
Session.

LXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULES.

SCHEDULE A.

	£
Governor - - - - -	7,000
Lieutenant Governor - - - - -	1,000

UPPER CANADA.

1 Chief Justice - - - - -	1,500
4 Puisne Judges, at 900 <i>l.</i> each - - - - -	3,600
1 Vice Chancellor - - - - -	1,125

LOWER CANADA.

1 Chief Justice, Quebec - - - - -	1,500
3 Puisne Judges, Quebec, at 900 <i>l.</i> each - - - - -	2,700
1 Chief Justice, Montreal - - - - -	1,100
3 Puisne Judges, Montreal, at 900 <i>l.</i> each - - - - -	2,700
1 Resident Judge at Three Rivers - - - - -	900
1 Judge of the Inferior District of St. Francis - - - - -	500
1 Judge of the Inferior District of Gaspé - - - - -	500
Pensions to the Judges, Salaries of the Attornies and Solicitors General, and Contingent and Miscellaneous Expences of Administration of Justice throughout the Province of Canada - - - - -	20,875

£ 45,000

SCHEDULE B.

Civil Secretaries and their Offices - - - - -	8,000
Provincial Secretaries and their Offices - - - - -	3,000
Receiver General and his Office - - - - -	3,000
Inspector General and his Office - - - - -	2,000
Executive Council - - - - -	3,000
Board of Works - - - - -	2,000
Emigrant Agent - - - - -	700
Pensions - - - - -	5,000
Contingent Expences of Public Offices - - - - -	3,300

£30,000

CAP. XXXVI.

An Act for preventing Ships clearing out from a *British North American* Port loading any Part of their Cargo of Timber upon Deck. [23d July 1840.]

‘ WHEREAS great Loss of Life and severe Sufferings have been occasioned amongst the Crews of Ships and Vessels laden with Timber and Wood Goods from *British* Ports in *America*, from the Practice of having a Portion of the Cargo of such Ships stowed on or above Deck:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Part of the Cargo of any Ship or Vessel wholly or in part laden with Timber or Wood Goods, and clearing from any *British* Port in *North America*, or the Settlement of *Honduras*, for any Port in the United Kingdom, between the First Day of *September* and the First Day of *May* in each Year, to be stowed or placed, during any Part of the Voyage, upon or above the Deck of such Ship or Vessel; and the Captain or Master of every Ship or Vessel so laden, and clearing from any *British* Port in *North America*, or the Settlement of *Honduras*, for any Port in the United Kingdom, between the said First Day of *September* and First Day of *May* in each Year, shall not be permitted to sail without first procuring a Certificate from the Clearing Officer that all the Cargo is below Deck.

No Part of the Cargo of certain Ships laden with Timber to be placed on the Deck.

II. And be it enacted, That if any Captain, Owner, Supercargo, or other Person having Command of any such Ship or Vessel shall so place, or cause or permit to be so placed, any Part of the Cargo, every such Captain, Owner, or Supercargo, or other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds, to be recovered before any Justice of the Peace or in any Court of Record in the United Kingdom or in any of Her Majesty’s Possessions abroad where the Offender may be: Provided always, that nothing herein contained shall extend to prevent the carrying upon Deck the necessary Store Spars for the Vessel’s Use, or the Removal on Deck of a Portion of the Cargo of such Ship or Vessel, in Cases where the same may be rendered necessary by the springing a Leak, or other Damage during the Voyage, nor to any Ship which may have cleared out from any Port in *British North America*, or the Settlement of *Honduras*, before the First Day of *September*, or within Seven Days after Notice of this Act shall have been received at the Custom House of the respective Ports.

Penalty for placing Timber on Deck.

III. And be it enacted, That this Act shall continue in force until the First Day of *May* One thousand eight hundred and forty-two.

Continuance of Act.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be altered.

CAP. XXXVII.

An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India Company*, and for providing for the Observance of Discipline in the *Indian Navy*, and to amend the Laws for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service. [4th August 1840.]

4 G. 4. c. 81.

Punishment
for Mutiny,
Desertion, and
divers other
Military
Crimes.

‘ WHEREAS an Act was passed in the Fourth Year of the
 ‘ Reign of His late Majesty King *George* the Fourth, intitled *An Act to consolidate and amend the Laws for punishing*
 ‘ *Mutiny and Desertion of Officers and Soldiers in the Service of*
 ‘ *the East India Company, and to authorize Soldiers and Sailors in*
 ‘ *the East Indies to send and receive Letters at a reduced Rate of*
 ‘ *Postage*, and it being requisite, for the retaining of such Forces
 ‘ in their Duty, that an exact Discipline be observed, and that
 ‘ Soldiers who shall mutiny or stir up Sedition, or shall desert
 ‘ the said Company’s Service, be brought to a more exemplary
 ‘ and speedy Punishment than the usual Forms of the Law will
 ‘ allow;’ be it therefore enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any
 Person who is or shall be commissioned or in Pay as an Officer,
 or who is or shall be listed or in Pay as a Non-commissioned
 Officer or Soldier in the Service of the said Company, shall, at
 any Time during the Continuance of this Act, begin, excite,
 cause, or join in any Mutiny or Sedition in the Land or Marine
 Forces of Her Majesty or of the said Company, or shall not use
 his utmost Endeavours to suppress the same, or coming to the
 Knowledge of any Mutiny or intended Mutiny shall not, without
 Delay, give Information thereof to his Commanding Officer;
 or shall cast away his Arms or Ammunition or otherwise
 misbehave himself before the Enemy; or shall shamefully
 abandon or deliver up any Garrison, Fortress, Post, or Guard
 committed to his Charge, or which he shall be commanded to
 defend; or shall compel the Governor or Commanding Officer
 of any Garrison, Fortress, or Post to deliver up to the Enemy
 or to abandon the same; or shall speak Words or use any other
 Means to induce such Governor or Commanding Officer, or
 others, to misbehave towards the Enemy, or shamefully to
 abandon or deliver up any Garrison, Fortress, Post, or Guard
 committed to their respective Charge, which he or they shall
 be commanded to defend; or shall treacherously make known
 the Watchword; or shall intentionally occasion false Alarms in
 Action, Camp, Garrison, or Quarters; or shall leave his Post,
 for Plunder or otherwise, before relieved, or shall be found
 sleeping on his Post; or shall hold Correspondence with or give
 Advice

Advice or Intelligence to any Rebel or Enemy of Her Majesty or the said Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall knowingly harbour or protect such Rebel or Enemy, or shall treat or enter into any Terms with such Rebel or Enemy, without the Licence of the said Company or of the said Company's Governor General in Council, or Governor in Council at any of their Presidencies, or without the Licence of the General or Chief Commander; or who shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces; or shall force a Safeguard; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert the said Company's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of Her Majesty or the Possessions or Territories which are or may be under the Government of the said Company, or in Foreign Parts, upon Land or upon the Sea, within or without the Limits of the Charter of the said United Company, shall suffer Death, Transportation, or such other Punishment as by a Court-martial shall be awarded.

II. And be it enacted, That the General or other Officer commanding in chief the Forces of or belonging to the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively for the Time being may appoint General Courts-martial, and issue his Warrant to any General or other Officer not below the Degree of a Field Officer, having the Command of a Body of Troops of Her Majesty, or of the said Company, empowering them respectively to appoint General Courts-martial, as Occasion may require, to be holden within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty, or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, and *Malacca*) in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the said Presidencies respectively, for the Trial of any Person under his Command, accused of having committed wilful Murder or any other Capital Crime, or of having used Violence or committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to Her Majesty's Protection, to the Protection of the respective Governments of the *East India Company*, or of any State in alliance with the said Company, within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place, other than *Prince of Wales Island*, *Singapore*, or *Malacca* in the Territories under the Government of the said Company, situated above One hundred and twenty Miles from the said Presidencies respectively; and the Persons accused, if found guilty, shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or to such other Punishment according to the

Power to appoint General Courts-martial any where beyond 120 Miles from the Presidencies of *Fort William*, *Fort St. George*, and *Bombay*, except *Prince of Wales Island*, *Singapore*, and *Malacca*, for the Trial of Capital Offenders.

Nature and Degree of the respective Offences, as by such Sentence of any such General Court-martial shall be awarded: Provided always, that any Person so tried shall not be liable to be tried for the same Offence by any other Court whatsoever.

Sentences of Death or Transportation not to be carried into execution till confirmed by the Officer commanding in chief, with the Concurrence of the Governor of the Presidency.

III. And be it enacted, That in every Case wherein a Sentence of Death or Transportation shall be pronounced, or a Sentence of Death shall be commuted to Transportation for any such Capital Offence committed at any Place situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and being within the Territories under the Government of the said Company, such Sentence, whether original, revised, or commuted, shall not be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency, with the Concurrence of the Governor General in Council or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried, although such Offender may belong to the Forces of another Presidency: Provided always, that such Sentence shall have been regularly reported to and approved and confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which such Offender shall belong, and by whom or under whose Authority the Court-martial by which such Offender shall have been tried was appointed.

Such Offenders, if apprehended by the Civil Authorities, to be delivered over for Trial by Court-martial.

IV. And be it enacted, That if any Person liable to be tried by a Court-martial for any such Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, or *Malacca*) in the Territories under the Government of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and for which no Proceeding shall have been commenced in any Court of competent Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as hereinbefore is provided in that Behalf.

The ordinary Course of Law not to be interfered with.

V. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall wilfully neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to Her Majesty's Protection, or to the

the Protection of the respective Governments of the *East India* Company, or of any State in alliance with the said Company, which is punishable by the ordinary Course of Law, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts of Record in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment in the said Company's Service in the *East Indies*, and a Copy of the Record of such Conviction, subscribed and attested by the Clerk of the Crown, or other proper Officer of the Court in which such Conviction shall take place, shall, within Two Months from the Time of such Condition, be transmitted to the Judge Advocate General of the Army to which such Offender shall belong; provided that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial in manner herein-before provided in respect of Offences committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place in or out of the Territories of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or against whom any effectual Proceeding shall have been taken or ordered to be taken, for the Purpose of bringing such Person to Trial by such Court-martial as aforesaid; provided also, that no Person or Persons, being acquitted or convicted of any Capital Crime, Violence, or Offence, by the Civil Magistrate, or the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

After Trial by the Civil Power, no other Punishment than cashiering.

VL And be it enacted, That no Person whatever enlisted into the Company's Service as a Soldier shall be liable to be arrested or taken therefrom, by any Process or Execution whatever, other than for some Criminal Matter, unless an Affidavit (for which no Fee shall be taken) shall be made by the Plaintiff or some one on his Behalf, before a Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Three hundred Company's Rupees at the least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaint thereof made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy that the Person who takes out the said Execution might have had for his

No Soldier liable to Arrest for Debt, unless amounting to 300 Company's Rupees.

Plaintiff may enter a Common Appearance, &c.

The Queen may make Articles of War, of which all Courts shall take judicial Notice; and Copies to be transmitted to Judges and Governors.

Trial of Native Officer or Soldier.

The Queen may authorize the Court of Directors of the East India Company to empower the Indian Governments and their Commanding Field Officers to appoint Courts-martial.

his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs, against the Defendant in the said Action; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing or left at such Soldier's last Quarters, may file a Common Appearance, in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment according to the Course of the Court, and have Execution other than against the Body.

VII. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of the said Company's Forces, which Articles of War shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster, Dublin, Edinburgh*, and in *India* respectively, and also to the Governors of Her Majesty's Dominions abroad, and the Territories within the Limits of the Charter of the said Company; provided that no Person shall by such Articles of War be subject to any Punishment extending to Life or Limb or Transportation within the Dominions of Her Majesty, or the Possessions or Territories which are or may be under the Government of the said Company, for any Crime committed within One hundred and twenty Miles Distance from either of the Presidencies of *Fort William, Fort Saint George, or Bombay*, which is not expressed to be so punishable by this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War, or any Matters enacted or in force, or which hereafter may be enacted by the Government of *India*, respecting Officers or Soldiers being Natives of the *East Indies*, or other Places within the Limits of the said Company's Charter, and to whom the present Act is declared not to be applicable.

VIII. And be it enacted, That on the Trial of all Offences committed by any Native Officer or Soldier or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

IX. And be it enacted, That Her Majesty may from Time to Time grant a Commission or Warrant under Her Royal Sign Manual unto the Court of Directors of the said Company, who by virtue of such Commission or Warrant shall have Power under the Seal of the said Company to authorize and empower their Governor General in Council and Governor in Council for the Time being, at the Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, from Time to Time to appoint Courts-martial, and to authorize and empower the General or other Officer commanding any Body of the Forces employed in the said Company's Service to appoint General Courts-

Courts-martial, as well as to authorize any Officer under their respective Commands, not below the Degree of a Field Officer, to convene General Courts-martial, as Occasion may require, for the Trial of Offences committed by any of their Forces under their several Commands, whether the same shall have been so committed before or after such Officer shall have taken upon himself such Command, all which Courts-martial shall be constituted and shall regulate their Proceedings according to the several Provisions herein-after specified; provided that, whenever any of Her Majesty's Forces shall be employed to act under the Authority of any of the said Company's Presidencies in the *East Indies*, the Power of appointing Courts-martial, or authorizing the Appointment of Courts-martial for the Trial of any Officer or Soldier of the said Company of or belonging to such Presidencies, shall be in the Officer for the Time being commanding in chief at such Presidency.

X. And be it enacted, That, for bringing to Justice Offenders against such Articles of War as may be framed by Her Majesty as herein-before provided, it shall be lawful for Her Majesty to grant Her Commission or Warrant to the Persons and in the Manner herein mentioned and expressed for convening, and authorizing any Officer under their respective Commands not below the Degree of a Field Officer to convene Courts-martial, as well in the Possessions or Territories which are or may be under the Government of the Company as elsewhere, where the Troops of the Company are or may be employed, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command.

The Queen may authorize the convening of Courts-martial for trying Offences against Articles of War.

XI. And be it enacted, That any Person subject to the Provisions of this Act, who shall, in any Part of Her Majesty's Dominions, or the Possessions or Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions, or the Possessions or Territories which are or may be under the Government of the said Company, or elsewhere, where he may have come after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

Offenders may be tried and punished in Places other than where the Offences have been committed.

XII. And be it enacted, That all General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers, except the same shall be holden in any Place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or at *Prince of Wales Island*, *Singapore*, or *Malacca*, at which Places such General Court-martial may consist of any Number not less than Five; and no Judgment of Death shall pass without the Concurrence of Two Thirds at least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the

Composition and Constitution of General Courts-martial.

Powers of General Courts-martial.

the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

XIII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment with or without hard Labour, in any public Prison or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay and Pension on Discharge; and whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps of the said Company's Forces, and in any Country or Place, (such Country or Place being within the Limits of the said Company's Charter, and under the said Company's Government,) which the Officer commanding in chief at the Presidency to which the Offender belongs shall thereupon direct, or may, if such Offender shall have enlisted for a limited Number of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which such Officer commanding in chief shall direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay or as to Pension on Discharge which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial, it shall be lawful for the Officer commanding in chief the Forces of the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to the Officer commanding as aforesaid.

The Queen empowered to appoint or to authorize the Indian Government to appoint Places of Transportation.

XIV. And be it enacted, That Her Majesty may, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council, and the Governor in Council of *Fort Saint George* and *Bombay* respectively, to appoint, any Place or
Places

Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed; and that when such Offenders shall be about to be transported from any of the said Presidencies to such Place of Transportation, the Governor of such Presidency shall give Orders for his intermediate Custody and Removal to the Ship to be employed for his Transportation, and shall empower some Person to make a Contract for the effectual Transportation of the Offender to the Place so appointed, and shall direct Security to be given for such Transportation.

Indian Govern-
ments to execute
Sentences of
Transportation.

XV. And be it enacted, That so soon as such Offender shall be delivered to the Governor of the Colony, or other Person or Persons to whom the Contractor or other Person appointed for that Purpose as aforesaid shall be so directed to deliver him, every such Person shall, within the Place or Places to which under or in pursuance of any such Order or Orders in Council they shall be sent or transported, be subject and liable to all such and the same Laws, Rules, and Regulations as are or shall be in force in any such Place or Places, with respect to Convicts transported from *Great Britain*.

Transports to
be subject to
the Convict
Laws of the
Place of Trans-
portation.

XVI. And be it enacted, That every Paymaster or other Commissioned Officer, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces, or for Her Use, or belonging to the *East India* Company or for their Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from the said Company's Service, and Incapacity of serving the *East India* Company in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to Her Majesty or the *East India* Company, as the Case may be, and may be recovered accordingly.

Trial and
Punishment for
Embezzlement,
and similar
Offences.

XVII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or

Composition
and Powers of
District or
Garrison
Courts-martial.

Three

Three Months at different Times with Intervals of not less than One Month between such Times in One Year, of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure:

In purloining or selling Stores, the Property of the Crown or of the *East India* Company:

In stealing any Money or Goods, the Property of a Comrade, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Money intrusted to him, belonging either to the Crown or the *East India* Company:

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from the Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, or Island; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer

Sentences to be confirmed.

President.

Officer convening such Court-martial ; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XVIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor, when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct.

Certain Offences may be tried and punished by Regimental Courts-martial.

Regulations as to Imprisonment and other Punishment awarded by Regimental Courts-martial.

XIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Additional Punishments.

XX. And be it enacted, That it shall be lawful for any Officer commanding any District, or any Portion of the said Company's Troops which may at any Time be serving in any Place

Officers in command of Troops serving in foreign Countries, not

in alliance
with the East
India Company,
may assemble
Courts-martial.

Place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers at the least, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon any such Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief of the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Sentence of
such Courts to
be confirmed.

How Proceed-
ings shall be
regulated in
Cases of Con-
junction of
Queen's and
Company's
Officers on
Courts-martial.

XXI. And be it enacted, That Officers of Her Majesty's Land Forces, and of the Forces in the Service of the *East India* Company, may, whenever it shall be necessary, sit in conjunction on Courts-martial, which shall be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the said Company; except that upon the Trial of any Person in Her Majesty's Land Forces, the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable; and on the Trial of any Officer or Soldier in the Service of the said *East India* Company, the Provisions of this Act shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or any of Her Royal Predecessors.

Courts-martial
may be wholly
composed of
Queen's Offi-
cers.

XXII. 'And whereas it may sometimes happen that Officers in the Service of the said Company cannot conveniently be had to compose the Whole or Part of a Court-martial;' be it enacted, That any Officer or Soldier, or Person subject to the Provisions of this Act, may be tried by a General Court-martial composed of Officers in Her Majesty's Service alone; provided always, that the Officer convening such Court-martial shall specify in his Warrant that no Officer in the Service of the said Company could conveniently be had.

Oaths or solemn
Declarations to
be adminis-
tered.

XXIII. And be it enacted, That all General and other Courts-martial shall administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

XXIV. And

XXIV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceedings be had thereon, shall take the Oaths in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had but between the Hours appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example: Provided also, that every Witness duly summoned or warned to attend any Court-martial, shall during his necessary Attendance on such Court, and in going to and returning from the same, be privileged from Arrest, and shall, if arrested in breach of such Privilege, be discharged by such Court-martial or any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made appear to such Court-martial, Court of Law, or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that every Witness so duly summoned or warned to attend as aforesaid who shall not attend on such Court, or who attending shall refuse to give Evidence, on Oath or solemn Declaration, or to answer all such Questions as the Court may legally demand, shall be liable to be attached in the Courts of Law, upon Complaint made, in like Manner as if such Witness had neglected to attend on any Trial in any such Court.

Members of General Courts-martial and Officiating Judge Advocate to take the Oaths mentioned in the Schedule.

Protection to Witnesses.

Witness not attending or refusing to give Evidence liable to be attached.

XXV. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

A second Trial to be had only on Appeal from a Regimental to a General Court-martial and no Revision more than once.

XXVI. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, shall transmit, with as much Expedition as Circumstances will admit, the original Proceedings, and the Sentence, Finding, or Opinion of such Court-martial, to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence, Finding, or Opinion, and Proceedings, (paying reasonably for the same,) whether such Sentence shall be approved or not, at any Time

Original Proceedings, Sentence, &c., to be transmitted to the Judge Advocate General of the Army in which such Court shall be held.

not sooner than Three Months if the Trial took place on the Continent of *India*, or Six Months if beyond Seas; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Indian Govern-
ments may
suspend Pro-
ceedings.

XXVII. And be it enacted, That the Government of any of the said Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively.

Offences against
former Mutiny
Act punish-
able as if com-
mitted against
this Act, and
all existing
Proceedings
continued.

XXVIII. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under the said Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall remain in full Force, notwithstanding the Repeal of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Repeal of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts, or either of them, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried under such Commission or Warrant at any Time not exceeding Two Years after the Impediment shall have ceased; or unless the Conduct of the Person accused shall have been submitted to the Consideration of the Court of Directors of the *East India* Company by the Government of the Presidency to which such Person shall belong, in which Case such Person shall be liable to be tried under such Commission or Warrant at any Time not exceeding Five Years after his Offence shall have been committed.

Limitation as
to Trial of
Offences.

Desertion shall
be punishable,
notwithstanding
any Circum-
stances of
Enlistment.

XXIX. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, notwithstanding that he may of right belong to some Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence,

Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act, and by the Articles of War to be framed by Her Majesty by virtue of this Act, be awarded for the Offence of which he shall have been found guilty.

Admissibility of Evidence of former Offences.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from any Regiment or Corps of the said Company's Forces, or who, upon being apprehended for Desertion or any other Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter from any such Regiment or Corps, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces, as the Commander of the Forces of the said Company shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not.

A Person acknowledging himself to be a Deserter to be deemed duly enlisted and dealt with as accordingly.

XXXI. And be it enacted, That every Person who shall directly or indirectly persuade any Soldier to desert shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Eight hundred Company's Rupees, and be further liable to Imprisonment, not exceeding Twelve Months.

Punishment for inducing or assisting in Desertion.

XXXII. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the said Company's Service at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a

Regulations for Musters, and Penalties on false Musters.

General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the Territories under the Government of the *East India Company*, or in Her Majesty's Service or the Service of the said Company; and if the Person giving such untrue Certificate shall not have any Military Commission he shall forfeit for every such Offence the Sum of Five hundred Company's Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees; and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged.

Suspension and
Forfeiture of
Pay.

XXXIII. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been enabsent by such Desertion; and that no Soldier shall be entitled to Pay, or to reckon Service, Rewards, Pay, or Pension, when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence: Provided always, that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining the Service from being a Prisoner of War due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to the Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears

Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence: Provided also, that it shall be lawful for the Government under which any Soldier is serving to order or withhold the Payment of the Whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

XXXIV. And be it enacted, That every Soldier entitled to his Discharge under any Orders or any Regulations made by the said Company, or upon the Expiration of any Period for which he shall have engaged to serve, or under this Act, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expence, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his Landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces.

Soldiers entitled to Discharge may claim to be sent home, free of Expence;

but to be subject to this Act till their Arrival.

XXXV. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowances of any Officer or Soldier (without his Consent be obtained thereto), other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required to be made according to the Regulations of the Service; and every Paymaster or other Officer having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain for the Space of One Month the same, or refuse to pay the same when it shall become due, according to the several Rates established by the Regulations of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit Eight hundred Company's Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded, one Moiety of such Fine to be paid to the Informer, and should such Informer be a Soldier he shall, if he demand it, be discharged from any further Service; provided that it shall be lawful for the Governor General in Council, or the Governor in Council at the said Presidencies respectively, to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay;

Punishment for so doing.

Indian Governments may give Orders to withhold Pay in Cases of Absence without Leave.

XXXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier

Penalties on Persons unlawfully having or purchasing

Military
Stores, &c.

or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to the Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Forty Company's Rupees, (one Moiety to be paid to the Informer,) together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath or solemn Declaration before a Magistrate, or Person exercising the like Authority, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Magistrate or Person exercising like Authority may grant a Warrant to search for such Property as in case of stolen Goods.

Recruits
concealing
Infirmities
punishable.

XXXVII. And be it enacted, That any Person who shall enlist into the Company's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary which shall have been concealed by such Person, or not declared before the Justice of the Peace at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into Her Majesty's or Company's Marine Forces, notwithstanding he shall have been enlisted for any particular Regiment, and shall be entitled to receive such Portion or Residue of Bounty only as shall be allowed by the said Company by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules or Regulations relating to Soldiers, to the contrary notwithstanding.

After Em-
barkation all
Officers and
Soldiers subject
to this Act.

XXXVIII. And be it enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company's Service who may proceed in charge of or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall, from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company, be, during their Passage, subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent.

Offences during
Passage cog-
nizable after
Arrival.

XXXIX. ' And forasmuch as it may happen that Offences ' may be committed by the said Officers and Men after their ' Embarkation, and before their Arrival at their Place of Des- ' tination abroad, which nevertheless cannot be tried and ' punished

‘punished during their Passage in such Manner as such ‘Offences ought to be tried and punished;’ be it therefore enacted, That in every such Case every such Officer or Soldier may and shall, after his Arrival at his Place of Destination abroad, be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender would have been tried by any Court-martial held under the Authority of this Act.

XL. And be it enacted, That the Provisions of this Act shall apply to all Officers and Persons who are or shall be serving and hired to be employed, or who shall serve and be hired to be employed, in the Artillery, and in the several Trains of Artillery, and all Conductors of Stores, and in the Department of Engineers, and all Officers serving or who shall serve in the Corps of Engineers, and all Officers and Persons serving or who shall serve as Military Surveyors or Draftsmen, or in the Corps of Sappers and Miners or Pioneers, and all Persons who now are or shall be in the Ordnance and Commissariat Department; and all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Establishment of the Army, licensed Sutlers and Followers, and all Storekeepers and other Civil Officers employed under the Ordnance, shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

Divers Persons, besides Officers and Soldiers, made subject to this Act.

XLI. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised or serving in any of the Possessions or Territories which are or may be under the Government of the said Company, or Places which are or may be occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law in like Manner as the Company’s other Forces are.

Officers and Soldiers raised or serving in friendly States subject to Martial Law.

XLII. And be it enacted, That for the Purposes of this Act, and of any Articles of War to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal*.

For the Purposes of this Act the Presidency of *Fort William* to comprise that of *Agra*.

XLIII. ‘And whereas the said Company, for the Safety and ‘Protection of the Territories under their Government, in ‘addition to their Land Forces, maintain a Marine Establishment, heretofore called “The *Bombay* Marine,” but now called ‘“The *Indian* Navy;” and by an Act passed in the Ninth Year ‘of the Reign of King *George* the Fourth, intituled *An Act to* 9 G. 4. c. 72. ‘*extend the Provisions of the East India Mutiny Act to the Bom-*

‘ bay *Marine*, reciting the said Act of the Fourth Year of King
 ‘ *George* the Fourth, and that it was expedient that Discipline
 ‘ should be enforced in the said Marine Establishment in the
 ‘ Manner provided by the said Act of the Fourth Year of King
 ‘ *George* the Fourth in respect to the other Forces of the said
 ‘ Company, it is enacted, that the Provisions of the said Act of
 ‘ the Fourth Year of King *George* the Fourth, and the Rules
 ‘ and Articles of War made and to be made by virtue thereof,
 ‘ should extend and be applied to the Service of “The *Bom-*
 ‘ *bay Marine* ;” and that all Persons in the Service of the said
 ‘ Company belonging to the said *Bombay Marine* who should
 ‘ be commissioned or in Pay as Officers, or enlisted or in Pay
 ‘ as Non-commissioned Officers or Soldiers respectively in the
 ‘ said Company’s Army, should be, to all Intents and Purposes,
 ‘ liable to the Provisions of the said Act of the Fourth Year of
 ‘ His Majesty King *George* the Fourth, and to the same Rules
 ‘ and Articles of War, and the same Penalties, as the Officers
 ‘ and Soldiers of the said Company’s other Forces : And whereas
 ‘ it is expedient to provide other Means for enforcing Discipline
 ‘ in the said Marine Establishment called “The *Indian Navy* ;”
 ‘ be it enacted, That for the retaining the Forces of the said
 Establishment in their Duty, the Governor General of *India* in
 Council shall have Power to make Laws and Regulations for
 securing the Observance of an exact Discipline in the said Ser-
 vice called “The *Indian Navy*,” and for bringing to a more
 exemplary and speedy Punishment than the usual Forms of the
 Law will allow all Officers, Engineers, Soldiers, Marines, Sea-
 men, and all others belonging to the said Marine Establishment
 who shall mutiny or stir up Sedition, or shall desert the said
 Service, or shall commit any other Offence which in its Nature
 would be cognizable by Courts-martial under this Act, or which
 may be against good Discipline in Naval Service, in the same
 and as full and ample Manner, to all Intents and Purposes, as
 by virtue of an Act passed in the Session held in the Third and
 Fourth Years of the Reign of His late Majesty King *William*
 the Fourth, intituled *An Act for effecting an Arrangement with*
the East India Company, and for the better Government of His
Majesty’s Indian Territories till the Thirtieth Day of April One
thousand eight hundred and fifty-four, the said Governor General
 in Council now has Power to make any Laws and Regulations
 whatsoever; any thing in the said last-mentioned Act, or any
 other Act or Acts, to the contrary notwithstanding.

Governor General of India
 in Council em-
 powered to
 make Laws and
 Regulations for
 securing Disci-
 pline and
 punishing Of-
 fences in the
 Indian Navy,
 as fully as
 he may make
 other Laws
 under 3 & 4
 W. 4. c. 85.

Court of
 Directors, under
 Control, may
 disallow any
 such Laws and
 Regulations ;

XLIV. Provided always, and be it enacted, That in case the
 Court of Directors of the *East India Company*, under the Con-
 trol of the Board of Commissioners for the Affairs of *India*,
 shall signify to the said Governor General in Council their
 Disallowance of any Laws or Regulations by the said Governor
 General in Council made by virtue of this Act, then and in
 every such Case, upon Receipt by the said Governor General
 in Council of Notice of such Disallowance, the said Governor
 General in Council shall forthwith repeal all Laws and Regu-
 lations so disallowed.

XLV. Pro-

XLV. Provided also, and be it enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same Force and Effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories in the same Manner as any Public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

but until repealed they shall be in force.

XLVI. Provided also, and be it enacted, That it shall not be lawful for the said Governor General in Council, without the previous Sanction of the said Court of Directors, to make any Law or Regulation whereby Power shall be given to any Court, other than the Courts of Justice established by the Charters of the Crown, to sentence to the Punishment of Death any of Her Majesty's natural-born Subjects born in *Europe*, or the Children of such Subjects.

No Law to be made for sentencing to Punishment of Death European-born Subjects, &c.

XLVII. Provided also, and be it enacted, That until the said Governor General in Council shall have made Laws and Regulations for the good Government of the said *Indian Navy* by virtue of the Powers by this Act for that Purpose given, all the Provisions of this Act, and the Rules and Articles of War to be made by virtue thereof, shall extend and be applied to the said Marine Establishment called "*The Indian Navy*;" and that all Persons in the Service of the said Company belonging to the said *Indian Navy*, who shall be commissioned or in Pay as Officers, or enlisted or in Pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, shall be, to all Intents and Purposes, liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces.

Until such Laws and Regulations made, the Provisions of this Act to be applicable to the *Indian Navy*.

XLVIII. ' And whereas by an Act passed in the Sixth Year of the Reign of His Majesty King *George the Fourth*, intituled '*An Act to amend Two Acts; of the Fifty-eighth Year of His late Majesty, for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of His present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company*, Provision is made for the Care, Application, and Distribution of the Effects and Credits of Officers and Soldiers in the said Company's Service, and it is expedient to render such Provisions more effectual; ' be it enacted, That it shall be lawful for all Persons who may be employed or required, by or under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the said Company, to take care of, collect, or superintend or direct the Collection of the Effects of Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, to ask, demand, and receive any such Effects, and to commence,

6 G. 4. c. 61.

Persons employed under Articles of War to collect Effects of Officers and Soldiers dying in Service abroad, may do so without Probate or Letters of Administration.

prosecute,

prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in every respect as if such Officers or Persons employed or required as aforesaid had been appointed Executors or had taken out Administration of such Effects; and no Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court, *ad colligenda* or otherwise, shall in any Manner interpose in relation to any such Effects unless required and authorized so to do by any such Officer or Persons employed or required as aforesaid, any Act or Acts, Law, Statute, or Usage to the contrary notwithstanding.

What Debts to be deemed Regimental Debts, and to have Priority accordingly.

XLIX. And be it enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipments, Servants Wages due, and Household Expences during the current Month, or in respect of any Quarters, or of any Mess or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Accounts, or on account of any Advance made for any such Purpose, and also any Charges or Expences attending or relating to the Illness or Funeral of any such Officer or Soldier, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; and if any Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or whether such Charges or Expences attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, such Question shall be decided and concluded by the Order or Certificate of the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged; and all such Payments shall be good and valid in Law; and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary, in relation to the Distribution of such Assets; any thing in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Military Secretary to decide Doubts as to Regimental Debts.

Regimental Debts to be paid without Probate or Letters of Administra-

L. And be it enacted, That all such Regimental Debts shall and may be paid without Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters testamentary or dative, being taken out of any Person;

Person; and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods, and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased, for the Payment of any Duty in respect of any Probate, or of any Letters of Administration or Confirmation of Testament, or Letters testamentary or dative, or for the Purpose of Distribution as Personal Estate; and it shall be lawful for the said Military Secretary to order and direct the Payment or Distribution of any such Surplus in any Case in which the same shall not exceed Five hundred Company's Rupees, without any Probate or Letters of Administration or Confirmation of Testament, or Letters testamentary or dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise; and it shall also be lawful for any Paymaster or other Person to issue any Sum not exceeding the Value of Five hundred Company's Rupees which may be due to any Officer deceased, or to the Widow or Relative of any Officer deceased, or to the Representative or Representatives of any such Officer's Widow or Relative in *India*, in like Manner without any Probate or Letters of Administration, or Confirmation of Testament, or Letters testamentary or dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto; and all such Payments respectively shall be as valid and effectual, to all Intents and Purposes, as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament, Letters testamentary or dative, any thing in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

LI. And be it enacted, That such Effects, or the Proceeds or Surplus of such Effects, of any Officer or Soldier so dying, when remitted to any Person under any Order of the Military Secretary to the Government of any of the said Company's Presidencies, or to such Military Secretary, shall not by reason of coming to the Hands of such Person or Military Secretary be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged to order that such Effects, or the Proceeds or Surplus of any such Effects, shall be remitted to any other Place in *India* where the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds or Surplus of such Effects, shall be a Discharge from all Actions, Suits, and Demands in respect thereof to any Person to whose Hands any such Effects, Proceeds, or Surplus shall have come, and which shall have been

tion, and the Surplus only to be deemed the Personal Estate to be administered.

Military Secretary to administer such Surplus when not exceeding 500 Company's Rupees, without Probate or Administration, and Duty free.

Effects remitted not deemed Assets in the Place to which remitted so as to render Administration necessary, &c.

Military Secretary authorized to order Remittance of Effects to any other Place in *India*.

been paid and disposed of under the Order of such Military Secretary.

Mode of administering Surplus prescribed.

LII. And be it enacted, That the Effects, or the Proceeds or Surplus of such Effects, of any such Officer or Soldier dying as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, shall, with all convenient Speed, be transmitted to such Military Secretary, by the Officer or Person employed or required to take care of, collect, and receive the same as aforesaid; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and after such Payment and Application as is hereinbefore authorized, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier; or if such Executor or legal Representative shall not be in *India*, or shall not, within Twelve Months from the Death of such Officer or Soldier, claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the said Company in *London*, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased; and such Remittance, at the End of Twelve Months as aforesaid, shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus: Provided always, that the Registrars of Her Majesty's several Supreme Courts in *India* shall not be required or entitled to take out Letters of Administration, with the Will annexed or otherwise, in respect of such Surplus; and in all Cases in which the Surplus, so to be remitted by the said Military Secretary to the said Court of Directors in *London*, shall not exceed Fifty Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters testamentary or dative, or Payment of any Duty of Stamps, upon any Legacies or otherwise.

Registrars of Supreme Courts not to take out Administration to Surplus.

Court of Directors may distribute remitted Surplus, if not exceeding 50*l*.

Preceding Provisions as to the Effects of deceased Officers and Soldiers extended to the Indian Navy.

LIII. 'And whereas it is expedient that the Benefit of Provisions, similar in Principle and Extent of Operation to those hereby enacted, respecting the Collection and Conversion into Money of the Effects of Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, and the Nature and Priorities of Debts of such Officers or Soldiers, and the General Administration of the Proceeds or Surplus of such Effects, should be extended to the *Indian Navy*;' be it therefore enacted, That the Governor General of *India* in Council shall have Power to make Laws and Regulations in manner aforesaid, to be subject to such Disallowance as aforesaid, for providing for the due Collection and Conversion into Money the Priorities and Discharge of Debts out of, and the Application, Remittance, and Distribution of the Effects and Credits of Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said Marine Establishment called the *Indian Navy*, who shall happen to die in the Service of the *East India* Company out of the United Kingdom; provided that such Laws and Regulations,

tions, so far as the Nature and Circumstances of the different Cases will permit, shall, in Principle and Substance, be conformable to and in Extent of Benefit shall not exceed the Provisions herein-before contained respecting the Administration of the Effects of Officers and Soldiers so dying in Service as aforesaid; and for the Purpose of Distribution of the Surplus of the Effects of such Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said *Indian* Navy, under any such Laws and Regulations, in Cases in which their legal Representatives shall not be in *India*, such Surplus shall be remitted to the Court of Directors of the said Company in *London*; and in all Cases in which the same shall not exceed Fifty Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters testamentary or dative, or Payment of any Duty of Stamps, upon any Legacies or otherwise.

LIV. And be it enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of the Court of Requests established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers, all Persons licensed to act as Sutlers to any Corps or Detachment or at any Station or Cantonment, all Persons resident within the Limits of a Military Cantonment, or other Persons amenable to the Provisions of this Act, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Company's Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Station or Cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no Instance of less than Three, and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain, and every Member having served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings to be had before it, shall take the following Oath upon the Holy Evangelists, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

Where Troops are serving beyond the Jurisdiction of the Court of Requests, Actions of Debt, not exceeding 400 Company's Rupees, to be cognizable by a Military Court.

Composition and Constitution of the Court prescribed;

I swear, That I will duly administer Justice according to the Evidence in the Matters that shall be brought before me. So help me GOD.'

And every Witness before any such Court shall be examined on Oath, which such Courts are hereby authorized to administer, or if Natives of the *East Indies*, on Oath or solemn Declaration, as the Circumstances of the Case may require; and

and its Powers
defined.

and it shall be competent for such Courts, upon finding any Debt or Damage due, either to award Execution thereof generally, or to direct that the Whole or any Part thereof shall be stopped and paid over to the Creditor out of any Pay or Public Money which may be coming to the Debtor in the current or any future Month, or to be paid by Instalment on sufficient Security; and in case the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Debtor's Goods as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer grounded on the Judgment of the Court; and the Goods of the Debtor, if found within the Limits of the Company's Garrison or Cantonment to which the Debtor shall belong at any subsequent Time, shall be liable to be seized and sold in satisfaction of any Remainder of such Debt or Damages; and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, or Contonment, then any Public Money, or any Sum not exceeding the Half Pay accruing to the Debtor, shall be stopped in Liquidation of such Debt or Damage; and if such Debtor shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant or Follower, he shall be arrested by like Order of the Commanding Officer and imprisoned in some convenient Place within the Military Boundaries for the Space of Two Months, unless the Debt be sooner paid.

Punishment
for giving false
Testimony.

LV. And be it enacted, That any Person wilfully and knowingly giving false Testimony on Oath, or solemn Declaration or Affirmation in any Case wherein an Oath or solemn Declaration is required to be made, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Law in force in *India* any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof shall be punished at the Discretion of a General or Regimental Court-martial.

Limitation of
Actions.

Modes of
Procedure.

LVI. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited or suffer any Discontinuance thereof, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court,

Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidency under which such Person is serving, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

LVII. And be it enacted, That all Penalties by this Act imposed for persuading or procuring any Soldier to desert may and shall be sued for and be recoverable in any Court of Record at the Presidency under which such Offender shall be resident; provided that no Action shall be brought or Prosecution carried on by virtue of this Act for the Penalties aforesaid, unless the same be commenced within Six Months after the Offence is committed.

Mode of recovering Penalties for procuring Desertion.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy.

Not to affect the Royal Prerogative.

LIX. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and forty-one, except where any other Commencement is particularly directed; and that from and after such Day all Powers and Provisions contained in the said Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall cease and determine, and that the said Act shall be and is hereby repealed.

Commencement of this Act and repeal of former Act.

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by the PRESIDENT and MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine, according to the

Evidence in the several Cases and Matters which shall be brought before you, upon the General Court-martial now assembled.

So help you GOD.

I *A.B.* do swear, That I will duly administer Justice as a

Member of the General Court-martial now assembled, upon the several Cases and Matters which shall be brought before the same, according to the Rules and Articles for the better Government of the Forces of the *East India* Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear that I will not divulge any Sentence of the Court until it shall be duly approved or published in General Orders: And I further swear, that I will not, upon any Account, or at any Time whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.

So help me GOD.

FORM of OATH to be taken by the JUDGE ADVOCATE or
Person officiating as such.

I do swear, That I will not, upon
any Account whatsoever, disclose or discover any Vote or
Opinion of any particular Member of the Court-martial, unless
required to give Evidence thereof as a Witness by a Court of
Justice or Court-martial in due Course of Law
So help me GOD.

CAP. XXXVIII.

An Act to continue Compositions for Assessed Taxes
until the Fifth Day of *April* One thousand eight
hundred and forty-two. [4th August 1840.]

2 & 3 Vict. c. 35.

4 & 5 W. 4. c. 54.

Compositions
for Assessed
Taxes continued
for a further
Term of One
Year, ending
the 5th April
1842;

‘ WHEREAS by an Act passed in the Second and Third
Years of the Reign of Her Majesty, intituled *An Act to
continue for One Year Compositions for Assessed Taxes, and to
alter the Period for the Expiration of Game Certificates, and for
granting Licences to deal in Game*, the Compositions for Assessed
Taxes entered into or renewed under the Authority of an Act
passed in the Fourth and Fifth Years of the Reign of His late
Majesty King *William* the Fourth were continued until the
Fifth Day of *April* One thousand eight hundred and forty-one,
and it is expedient to continue the same for a further Term
of One Year:’ Be it therefore enacted by the Queen’s most
Excellent Majesty, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present
Parliament assembled, and by the Authority of the same, That
all Contracts of Composition for the Duties of Assessed Taxes
now in force shall be and the same are hereby continued in
force for a further Term of One Year, to be computed from the
Fifth Day of *April* One thousand eight hundred and forty-one,
and to determine on the Fifth Day of *April* One thousand eight
hundred and forty-two, under the same Rules, Regulations,
and Privileges as if such Compositions did not by the Laws now
in force expire before the last-mentioned Day; and all the
Powers and Provisions of the several Acts relating to or con-
tinuing such Compositions, or for collecting or enforcing Pay-
ment thereof, shall be extended and applied to the Contracts
of Composition continued under this Act, to all Intents and
Purposes, as if the same had been herein repeated and re-
enacted.

except in Cases
where Parties
shall give No-
tice to deter-
mine the same
on the 5th April
1841.

II. Provided always, and be it enacted, That this Act shall
not extend to the Contract or Composition of any Person who
shall be desirous of determining the same on the Fifth Day of
April One thousand eight hundred and forty-one, and who shall
on or before the Tenth Day of *October* One thousand eight
hundred and forty give Notice thereof in Writing to the
Assessor or Collector of the Parish or Place, or to the Surveyor
acting in the Execution of the Acts relating to the Duties of
Assessed Taxes for the District in which such Composition shall
be payable.

CAP. XXXIX.

An Act to authorize Trustees or Commissioners of Turnpike Roads to appoint Meetings for executing their Trusts in certain Cases. [4th August 1840.]

‘ WHEREAS an Act was passed in the Third Year of the
 ‘ Reign of His late Majesty King George the Fourth,
 ‘ intituled *An Act to amend the general Laws now in being for* 3 G. 4. c. 126.
 ‘ regulating Turnpike Roads in that Part of Great Britain called s. 70.
 ‘ England, whereby it was enacted, that where a sufficient
 ‘ Number of the Trustees or Commissioners of any Turnpike
 ‘ Road should not meet on the Day appointed by any Act or
 ‘ Acts of Parliament for making, repairing, or maintaining any
 ‘ Turnpike Road for their First Meeting, or should not meet
 ‘ on the Day appointed by Adjournment for their Meeting, or
 ‘ for Want of a proper Adjournment, by which Means, or by
 ‘ some or one of them, the Intent of such Act or Acts might be
 ‘ frustrated, in all or either of the said Cases it should be
 ‘ lawful for so many of the said Trustees or Commissioners as
 ‘ should meet, or the major Part of them, or, in case no such
 ‘ Trustee or Commissioner should be present, for their Clerk
 ‘ or Clerks, to cause Notice in Writing to be affixed on all
 ‘ the Turnpike Gates which should be then erected on the said
 ‘ respective Roads, or if no Turnpike Gate should then be
 ‘ erected to cause the like Notice to be affixed in the most con-
 ‘ spicuous Place in one of the principal Towns or Places nearest
 ‘ to which the Roads directed to be repaired should lie, and
 ‘ also in some public Newspaper circulated in the County in
 ‘ which the Road should be situate, at least Ten Days before
 ‘ the intended Meeting, appointing such Trustees or Commis-
 ‘ sioners to meet at such Place where the preceding Meeting
 ‘ was appointed to have been held, or at the Place directed for
 ‘ the First Meeting of such Trustees or Commissioners, if no
 ‘ such preceding Meeting should have been held; and the said
 ‘ Trustees or Commissioners, when met in pursuance of such
 ‘ Notice, should and might and they were thereby required to
 ‘ proceed and carry such Act or Acts into execution, in the
 ‘ same and in as ample and full a Manner to all Intents and
 ‘ Purposes as they might or could have done if no such Neglect
 ‘ had happened: And whereas the said recited Provisions have
 ‘ been found inadequate to the Purposes intended to be pro-
 ‘ vided for, and it is expedient that more ample Provision should
 ‘ be made:’ Be it therefore enacted by the Queen’s most
 ‘ Excellent Majesty, by and with the Advice and Consent of
 ‘ the Lords Spiritual and Temporal, and Commons, in this
 ‘ present Parliament assembled, and by the Authority of the
 ‘ same, That the said recited Provisions shall be and the same
 ‘ are hereby repealed.

II. And be it enacted, That where a sufficient Number of the Trustees or Commissioners of any Turnpike Road shall not meet on the Day appointed by any such Act or Acts respec-

[No. 16. Price 2d.]

Q

tively

Repeal of
 recited Pro-
 visions of Act
 3 G. 4. c. 126.

Providing for
 Cases where
 sufficient Num-
 ber of Trustees
 do not attend

on the Day appointed for the First Meeting of Trustees under any Act relating to Turnpike Roads.

tively for their First Meeting, or shall not meet on the Day appointed by Adjournment for their Meeting, or for Want of a proper Adjournment, by which Means, or by some or one of them, the Intent of the said Act or Acts may be frustrated, in all or either of the said Cases it shall be lawful for so many of the said Trustees or Commissioners as shall meet, or the major Part of them, or in case no such Trustee or Commissioner shall be present, for their Clerk or Clerks, or in case of the Death, Resignation, Absence, Incapacity, Neglect, or Refusal of such Clerk or Clerks, for any Five or more of such Trustees or Commissioners to cause Notice in Writing to be affixed on all the Turnpike Gates which shall be then erected on the said respective Roads, or if no Turnpike Gate shall then be erected to cause the like Notice to be affixed in the most conspicuous Place in one of the principal Towns or Places nearest to which the Roads directed to be repaired do lie, and also in some public Newspaper circulated in the County in which the Road shall be situate, at least Ten Days before the intended Meeting, appointing such Trustees or Commissioners to meet at the Place where the preceding Meeting was appointed to have been held, or at the Place directed for the First Meeting of such Trustees or Commissioners, if no such preceding Meeting shall have been held; and the said Trustees or Commissioners, when met in pursuance of such Notice, shall and may and they are hereby required to proceed and carry such Act or Acts into execution in the same and in as ample and full a Manner to all Intents and Purposes as they might or could have done if no such Neglect had happened.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XL.

An Act to amend Two Acts of His late Majesty King William the Fourth, for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies*. [4th August 1840.]

WHEREAS by an Act passed in the Session of the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount, for the Purposes and in the Manner therein mentioned; and for giving Relief to Trinidad, British Guiana, and Saint Lucie*, it was amongst other things enacted, that it should be lawful for the Commissioners thereby named and appointed, or other the Commissioners for the Time being acting in the Execution of the said Act, or any Three of them, to advance and lend Exchequer Bills, to such Amount and in such Proportions as therein specified, to the Owners and Persons interested in Estates which had suffered Injuries from the Causes therein mentioned in the Islands of *Jamaica, Barbadoes, Saint Vincent, and Saint Lucie*, and in certain other of Her

2 & 3 W. 4.
c. 125.

1848 V. C. 17
1849 V. C. 50

' Her Majesty's Colonies and Plantations in the *West Indies* ;
 ' and that the said Commissioners, or any Three of them, as
 ' therein mentioned, should take such Security or Securities as
 ' therein mentioned for the Repayment of any Advances or
 ' Loans made as therein mentioned, at or before the Expiration
 ' of Ten Years from the Time of such Advances respectively,
 ' with Interest for the same in the meantime after the Rate of
 ' Four Pounds *per Centum per Annum*, such Interest to be paid
 ' in manner in the said Act mentioned; and it was further
 ' enacted, that if any Default should be made in the Repayment
 ' of all or any Part of such Loan or Advance for which any
 ' such Mortgage should be accepted or taken by the said Com-
 ' missioners as a Security (but not otherwise), the said Com-
 ' missioners, or their Attornies or Attorney, to be appointed
 ' for that Purpose by the proper Proceedings in the said Islands,
 ' upon Judgment to be entered up, should take Possession of all
 ' or any Parts or Part of the said mortgaged Premises, and by
 ' Sale or Mortgage of the same, or a competent Part thereof,
 ' raise and levy such Sum or Sums of Money as should be
 ' sufficient to repay all Monies due upon or in respect of such
 ' Loan or Advance, and the Interest thereof, and all Costs and
 ' Charges attending such Proceedings, and the Monies so re-
 ' covered (the Costs and Charges as in the said Act mentioned
 ' excepted) should be paid and applied in reimbursement and
 ' satisfaction of the Sum due upon or in respect of such Loan
 ' or Advance, in like Manner as the Sums of Money to be
 ' recovered under the Proceedings authorized by the therein-
 ' recited Act, in default of Payment, were thereby directed to
 ' be paid and applied; and that the Receipt of such Persons
 ' or Person as the said Commissioners, or any Three or more
 ' of them should nominate and appoint as their Attornies or
 ' Attorney in the said Islands or in *Great Britain* should alone
 ' be a full and sufficient Discharge to such Mortgagees or Pur-
 ' chasers, or Mortgagee or Purchaser, for the Monies or Money
 ' advanced on Mortgage, or for the Purchase Monies or Purchase
 ' Money of the respective Premises so mortgaged or sold, and
 ' such Mortgagees or Purchasers, or Mortgagee or Purchaser,
 ' should not be bound to see to the Application thereof, nor
 ' should be liable or in any Manner accountable for the Mis-
 ' application or Nonapplication of such Monies or Money by
 ' the Attornies or Agents of the said Commissioners, or any
 ' of them; and that the Attornies or Agents so to be appointed
 ' as aforesaid should give Security, by Obligations to His Ma-
 ' jesty, with such Sureties as the said Commissioners or any
 ' Three or more of them should approve, duly to account to
 ' the said Commissioners for, and to pay to the Cashiers of
 ' the Bank of *England*, when and as the said Commissioners
 ' or any Three or more of them should direct or appoint,
 ' all such Sum or Sums of Money as they should recover
 ' or receive under or by virtue of such Appointments, after
 ' deducting all Costs, Charges, and Expences which should
 ' or might be incurred in the Recovery thereof, and the Com-

5 & 6 W. 4.
c. 51.

Commissioners,
with Consent of
Treasury, to
grant Extension
of Time limited
for Repayment
of Loans, not
exceeding Ten
Years, on cer-
tain Conditions.

' mission or Compensation to be paid or allowed to such Attornies or Agents for their Trouble, which Costs, Charges, and Expenses, Commission or Compensation, should be examined and allowed by the said Commissioners or any Three or more of them, in such Manner and to such Extent as they in their Discretion should think fit; and that the said Attornies or Agents to be appointed as aforesaid should alone be Accountants to His Majesty for such Sum and Sums of Money as they should recover under or by virtue of the now-reciting Act: And whereas by an Act passed in the Session of the Fifth and Sixth Years of the Reign of His said Majesty King William the Fourth, intituled *An Act for granting Relief to the Island of Dominica, and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned*, it was amongst other things enacted, as therein mentioned, that it should be lawful for the Commissioners acting in the Execution of the said recited Act to advance Exchequer Bills to a certain Amount to the Owners of and Persons interested in the Estates and Property in the said Island of *Dominica* which had suffered Injury from the Causes therein mentioned, and that all such Advances should be made in such and the same Manner, and under and subject to such and the same Conditions, Provisions, and Restrictions, and on such Securities, and in all respects whatsoever, as was provided and directed by the said recited Act with regard to Advances to be made to Owners and Persons interested in the Estates in the said Islands of *Jamaica, Barbadoes, Saint Vincent, and Saint Lucie*, and in all respects whatsoever, so far as the same could be made applicable, and were not varied by the said Act now in recital, as if the said Island of *Dominica* had been included in the said Act as one of the Islands to be relieved: And whereas it is expedient that the Powers and Provisions contained in the firstly hereinbefore recited Act with respect to any Extension or Enlargement of Time for the Repayment of any Loans made or to be made in pursuance of the said Acts should be altered and enlarged as after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Commissioners for the Time being acting in the Execution of the said recited Acts, or any Three of them, with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Three or more of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, upon any Application made to them at any Time before the passing of this Act, or upon any Application hereafter to be made, and which Application is hereby authorized to be made, notwithstanding the Period for making such Application shall have elapsed, to grant any Extension or Enlargement of

of the Time limited for the Repayment of any Loan or Advance which shall have been or shall be made under the Provisions or Authority of the said herein-before recited Acts of the Second and Third and of the Fifth and Sixth Years of the Reign of His said late Majesty King *William* the Fourth, or any Part of such Loan or Advance, for any Period not exceeding Ten Years from the Day originally fixed for the Repayment thereof, or the last Instalment thereof, together with Interest for the same in the meantime after the Rate of Four Pounds *per Centum per Annum*, to be computed from the Day on which such Extension or Enlargement of Time shall be granted, so as every such Extension of Time be made in every Case on Condition that the Loan shall be paid by equal annual Instalments, not exceeding Ten in Number, and the first Instalment to be made at the End of One Year from the Expiration of the Time originally fixed for the Repayment of the said Loan or the last Instalment thereof, and so as no such Extension of Time be granted except on Condition that an absolute Power of Sale be vested in Her Majesty, Her Heirs and Successors, of the Hereditaments and Premises charged with such Loan, in all Cases where any Hereditaments or Premises are so charged, in case Default shall be made in Payment of any One of the said annual Instalments, or of any One Year's Interest on the said Loan, or such Part as shall be due, or any Part thereof respectively, for Six Calendar Months after the same shall be due: Provided always, that no such Sale shall be made as aforesaid unless for at least Three Calendar Months previously to any such Sale there shall have been inserted in the *London Gazette*, and in such public Newspaper or Newspapers in the Colony where the Property shall be situated as the said Commissioners shall direct, a Notice of the Intention of the Commissioners to exercise their Power of Sale in pursuance of the Powers vested in them to make such Sale; and any such Sale may be made at any Time after such Three Months Notice shall have been given; and any such Sale may be made by the said Commissioners, subject to such special Conditions as to the Title, or the Deeds, Copies, or other Evidences to be produced, the Evidence relating to the Identity of the Property sold, and the Mode and Times of Payment of the Money, and any Contract for Sale may be altered or rescinded by the said Commissioners in such Manner and in all respects as they shall think fit: Provided also, that every such Application shall be made not less than One Year before such Time or Times so limited as aforesaid shall arrive.

II. And be it enacted, That every Person who by the herein-before recited Acts were authorized to charge any Plantations or Hereditaments for the Purpose of securing any Loan to be made in pursuance of the said Acts, their Representatives or Assigns, shall and may and are hereby authorized to apply for such Extension of Time, and also to grant and assure to Her said Majesty, Her Heirs and Successors, such Power of Sale as is herein-before provided; and such Power of Sale,

Parties by whom the Estates charged under recited Acts empowered to apply for Extension, and to give the required Power of Sale.

when granted, shall have such and the like Priorities in all respects as if the Person or Persons having made the original Charge under the said Acts had been authorized under the said Acts to grant such absolute Power of Sale with such Priority as by the said Acts is provided, and had actually granted the same in the original Charge or Mortgage.

Commissioners may require further Security for Extension of Time.

III. And be it enacted, That it shall be lawful for the said Commissioners, with such Consent as aforesaid, to require any further Security to be granted and given to Her Majesty, Her Heirs and Successors, as a Consideration for the Extension of such Time as aforesaid.

Power of Sale may, in case of Default, be exercised by the Commissioners or their Attorney.

IV. And be it enacted, That the Power of Sale so to be granted to Her Majesty, Her Heirs and Successors, as aforesaid, may, in case of any Default being made in the Payment of any Instalment of the said Loan, or the Interest thereon, or any Part thereof respectively, be exercised by the Commissioners for the Time being acting in the Execution of the said Acts, or any Three of them, or by any Attorney or Attornies by them or any Three of them appointed for that Purpose by Deed under their Hands and Seals; and that the Receipt of the said Commissioners or any Three of them, or of any such Attorney or Attornies so appointed as aforesaid, for the Monies to arise from the Sale of the said Hereditaments and Premises, and from the Rents and Profits of the said Hereditaments and Premises, before Sale and after any such Default as aforesaid, shall be good and sufficient Discharges for the same to the Persons paying the same; and that the said Commissioners or any Three of them, or their said Attorney or Attornies, may, on behalf of Her said Majesty, Her Heirs and Successors, convey and assure the Hereditaments which may be so sold to any Purchaser or Purchasers, or as he, she, or they may direct, and in all respects as Her Majesty, Her Heirs and Successors, could do under the said Power of Sale.

Receipts of Commissioners or their Attornies to be effectual Discharges.

Commissioners, or their Attorney, may convey.

Commissioners or their Attorney may pay Surplus of Purchase Monies, after Payment of Expences, to Parties entitled, or into the Court of Chancery, or Court in the Island.

V. And be it enacted, That it shall be lawful for the said Commissioners, or their said Attorney or Attornies, after retaining and paying all Monies due on any such Security as aforesaid, and all Expences in anywise relating to the said Sales, or the making out the Title to the Property sold, to pay over the Surplus, if any, of the said Purchase Monies to the Party or Parties entitled to the same, or, at the Discretion of the said Commissioners, without any special Order for that Purpose or other Authority than this Act, to pay the same into the Bank of *England* in the Name and with the Privity of the Accountant General of Her Majesty's High Court of Chancery in *England*, to be placed to his Account there "*Ex parte* the *West Indian Islands Relief Commission*," or into such Court in the Colony in which the Property sold may be situate as by the Law of the said Colony may be authorized to receive as Deposits Money involved in or the Subject of any Suit; and the said Court of Chancery, or such other Court into which such Monies may be paid, may, on Petition of any Parties claiming to be interested therein, make such Order for the Investment

Courts may make Order for Investment or Payment thereof.

ment of the said Monies, and for the Payment thereof to the Parties who shall appear to be entitled thereto, as such Court may think proper; and after any such Payment as aforesaid by the said Commissioners, Her Majesty, Her Heirs and Successors, and the said Commissioners, and such Attorney or Attornies as aforesaid, shall be freed from all Responsibility as to the Payment or Application of such Monies.

Payment into Court to exonerate from Responsibility.

VI. And be it enacted, That the Monies to be secured by any such further Security or any such Extension of Time as aforesaid shall be paid in such Manner as by the said first-recited Act is mentioned and provided; and any Attorney or Attornies to be appointed for the Purposes of any such Sale or Sales shall give such Security as in the said first recited Act is mentioned; and for effecting such Sale as aforesaid the said Commissioners shall not be obliged to enter up any Judgment or Judgments, or take any other preliminary legal Proceedings against the Person or Persons making such Default as aforesaid, his, her, or their Representatives or Assigns, any thing in the said first-recited Act to the contrary contained in anywise notwithstanding.

Monies secured to be paid as under recited Act.

Attornies.

Commissioners not obliged to enter up any Judgment for effecting Sales.

VII. And be it enacted, That, notwithstanding any such Extension of Time as aforesaid, the same shall not be in anywise taken to prejudice the Right, Estate, Interest, or Powers of Her Majesty, Her Heirs or Successors, under the original Security or Securities which may have been granted to Her Majesty, Her Heirs and Successors, in case Default shall be made, before the Period of such Extension of Time shall arrive, in the Payment of the Interest on any such Loans as aforesaid, but that such Right, Estate, Interest, and Power shall continue in full Force in all respects as if such Extension of Time had not been granted.

Extension of Time not to prejudice Powers under original Securities if Default made in the meantime in Payment of Interest.

VIII. Provided always, and be it enacted, That, notwithstanding the Assent or Concurrence of any Person or Persons having or claiming to have any Estate, Interest, Incumbrance, Lien, Claim, or Demand on any Property comprised in any Security or Securities taken or to be taken by the said Commissioners for the Purposes of the said recited Acts may have been procured or taken on the making such Security or Securities, it shall not be necessary for the said Commissioners to obtain or require any such Concurrence or Assent to any further Security or Securities to be made on any such Extension of Time as aforesaid under the Provisions of this Act.

Assent of Incumbrancers, &c. who assented to Loans not required to Extension of Time for Repayment.

IX. And be it enacted, That all and every the several Clauses, Powers, Provisoes, Enactments, Penalties, and Restrictions in the said recited Acts contained, so far as the same can be made applicable, and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done and the further Securities to be taken in pursuance of this Act, and in all respects as if such Extension of Time and further Security had been granted and made in pursuance of the Provisions of this Act.

Powers of former Acts extended to Securities under this Act.

X. And be it enacted, That this Act may be altered or repealed by any Act to be passed in this Session of Parliament.

Act may be amended this Session.

CAP. XLI.

An Act to authorize the Commissioners of Her Majesty's Treasury to grant a Lease of the *Caledonian Canal* for a Term of Years, and to regulate the future Management thereof. [4th August 1840.]

43 G. 3. c. 102. ' WHEREAS an Act was passed in the Forty-third Year
' of the Reign of His Majesty King George the Third,
' intituled *An Act for granting to His Majesty the Sum of*
' *Twenty thousand Pounds, towards defraying the Expence of*
' *making an Inland Navigation from the Eastern to the Western*
' *Sea, by Inverness and Fort William, and for taking the neces-*
' *sary Steps towards executing the same*; and another Act was
44 G. 3. c. 62. ' passed in the Forty-fourth Year of the Reign of His said
' Majesty King George the Third, intituled *An Act for making*
' *further Provision for making and maintaining an Inland Navi-*
' *gation commonly called the Caledonian Canal, from the Eastern*
' *to the Western Sea, by Inverness and Fort William, in Scotland*;
6 G. 4. c. 15. ' and another Act was passed in the Sixth Year of the Reign
' of His Majesty King George the Fourth, intituled *An Act to*
' *explain and amend Two Acts, passed in the Forty-third and*
' *Forty-fourth Years of the Reign of His late Majesty King*
' *George the Third, for making and maintaining an Inland Navi-*
' *gation commonly called the Caledonian Canal, by establishing*
' *further Checks upon the Expenditure of Public Money for that*
' *Purpose, in certain Cases*: And whereas it is expedient to
' empower the Commissioners of Her Majesty's Treasury of the
' United Kingdom of Great Britain and Ireland to grant or
' lease the said Canal, in manner herein-after prescribed: Be
it therefore enacted by the Queen's most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That from and after the
passing of this Act it shall be lawful for the said Commissioners
of Her Majesty's Treasury to grant or lease the said *Caledonian*
Canal, and all the Works and Appurtenances thereof or thereto
belonging, for a Period not exceeding Ninety-nine Years, with-
out any annual Return or Rent therefor, to any Body of
Persons duly incorporated or which shall be incorporated as a
Joint Stock Company by Act of Parliament, under such Pro-
visions, Conditions, Restrictions, and Limitations as the said
Commissioners of Her Majesty's Treasury shall think necessary
and proper: Provided always, that any such Grant or Lease
shall, within Twenty-one Days after completing the same, be
laid before both Houses of Parliament, if then sitting, or other-
wise within Fourteen Days after the next Meeting of Parlia-
ment.

Commissioners
of the Treasury
empowered to
grant or lease
the Caledonian
Canal for a
Term of Years.

Upon Execution
of Grant or
Lease the
Powers of Canal
Commissioners
to cease.

II. And be it enacted, That upon the Execution of such
Grant or Lease all the Powers and Authorities conferred by
the said recited Acts upon the Commissioners acting under and
by virtue of the same or any of them shall cease and determine;
and

and the said Canal Commissioners shall be and they are hereby released and exonerated from all Liabilities and Responsibilities for or under which they were or might in anywise be considered to be as such Commissioners.

III. And be it enacted, That if during the Currency of any such Grant or Lease the said Commissioners of Her Majesty's Treasury, shall, in Terms or by virtue of any Powers to be contained therein, resume the Possession of the said Canal, it shall be lawful to the said Commissioners of Her Majesty's Treasury to transfer the said Canal, and all the Works and Appurtenances thereof or belonging thereto, at the Time of such Resumption, to the Commissioners of Woods, Forests, Land Revenues, Works, and Buildings for the Time being; and the said Canal, Works, and Appurtenances aforesaid shall thereupon become and be vested in the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings; and the said last-mentioned Commissioners shall and may then and thereafter undertake and exercise the full Management and Administration of the said Canal, and of the Tolls, Rates, and Duties leviable thereupon, subject nevertheless to the Powers of the said Commissioners of Her Majesty's Treasury again to grant or lease the same, or otherwise to give such Orders and Directions regarding the Management thereof, as to the said Commissioners of Her Majesty's Treasury shall seem proper: Provided always, that it shall not be lawful for the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to defray any Charge incurred on account of the said Canal out of the Land Revenue of the Crown, or out of any Funds arising or derived from the Property of the Crown under the Administration of the said Commissioners.

If Commissioners of the Treasury resume the Canal the Management to vest in Commissioners of Woods and Forests.

IV. And be it enacted, That any Act, Deed, Instrument, Order, Direction, or Writing which may be necessary in the Execution of this Act may be done, executed, or signified by and under the Hands of the said Commissioners of Her Majesty's Treasury, or any Three of them.

Deeds, &c. to be signed by the Commissioners of the Treasury.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be altered this Session.

CAP. XLII.

An Act to continue the Poor Law Commission until the Thirty-first Day of *December* One thousand eight hundred and forty-one. [4th *August* 1840.]

‘ WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, Provisions were made for the Appointment of Poor Law Commissioners, Assistant Commissioners, Secretaries, and other Officers, and for their Continuance in Office until the End of the Session of Parliament held next after the Fourteenth Day of *August* in the Year

4 & 5 W. 4.
c. 76. ss. 1. 10.

‘ One

2 & 3 Vict. c. 83.

Poor Law
Commissioners,
&c. continued.Act may be
amended this
Session.

‘ One thousand eight hundred and thirty-nine; and by another
 ‘ Act, passed in the Third Year of the Reign of Her present Ma-
 ‘ jesty, Provision was made for their further Continuance in Office
 ‘ until the Fourteenth Day of *August* in the Year One thousand
 ‘ eight hundred and forty, and thenceforth until the then next
 ‘ Session of Parliament; and it is expedient to extend such
 ‘ Provisions:’ Be it therefore enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 every Poor Law Commissioner appointed by His late Majesty,
 or appointed or to be appointed by Her Majesty the Queen,
 Her Heirs and Successors, and every Assistant Commissioner,
 Secretary, and other Officer and Person duly appointed by the
 Poor Law Commissioners, shall be empowered (unless he shall
 previously resign or be removed) to hold his Office, and exercise
 the Powers thereof, until the Thirty-first Day of *December* in the
 Year One thousand eight hundred and forty-one; and until the
 Expiration of the said Period it shall be lawful for Her Majesty,
 Her Heirs and Successors, from Time to Time, at Pleasure, to
 remove any of the said Commissioners for the Time being, and
 upon every or any Vacancy in the Number of Commissioners,
 either by Removal or by Death or otherwise, to appoint, by
 Warrant under the Royal Sign Manual, some other fit Person
 to the said Office; and until such Appointment it shall be lawful
 for the surviving or continuing Commissioner or Commissioners
 to act as if no such Vacancy had occurred.

II. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in this Session of Parliament.

CAP. XLIII.

An Act for repairing *Blenheim Palace*.[4th *August* 1840.]

3 & 4 Ann. c. 6.

‘ **W**HEREAS by an Act passed in the Third and Fourth
 ‘ Year of the Reign of Her late Majesty Queen *Anne*,
 ‘ intituled *An Act for the better enabling Her Majesty to grant*
 ‘ *the Honor and Manor of Woodstock with the Hundred of Wootton*
 ‘ *to the Duke of Marlborough and his Heirs, in consideration of*
 ‘ *the eminent Services by him performed to Her Majesty and the*
 ‘ *Public*, it was amongst other things enacted, that it should
 ‘ and might be lawful to and for the Queen’s most Excellent
 ‘ Majesty, by any Letters Patent under the Great Seal of
 ‘ *England* thereafter to be made, to give and grant unto the
 ‘ said *John Duke of Marlborough*, and his Heirs and Assigns
 ‘ for ever, or to any other Person or Persons, to the Use of or
 ‘ in Trust for the said Duke, his Heirs and Assigns for ever,
 ‘ the Honor or Manor of *Woodstock* and the Hundred of
 ‘ *Wootton*, and other the Manors or reputed Manors, and the
 ‘ Piece or Parcel of Ground called *Woodstock Park*, and divers
 ‘ other Pieces or Parcels of Land or Ground, Messuages or
 ‘ Tenements,

' Tenements, Lands and Hereditaments, Woods, Coppices, and
 ' Timber in the same Act particularly described or mentioned,
 ' to hold the same unto the said *John Duke of Marlborough*, or
 ' such Person or Persons as he should nominate as aforesaid,
 ' his and their Heirs and Assigns for ever, to the only Use
 ' and Behoof of or in Trust for the said Duke, his Heirs and
 ' Assigns for ever, to be holden of Her Majesty, Her Heirs
 ' and Assigns, in such Manner and by such honorary Service
 ' as in the said Act is mentioned: And whereas in pursuance
 ' of the said Act, by Letters Patent under the Great Seal of
 ' *England*, bearing Date the Fifth Day of *May* in the Fourth
 ' Year of the Reign of Her said late Majesty, Her said Ma-
 ' jesty was pleased to grant all the said Honor or Manor of
 ' *Woodstock* and the Hundred of *Wootton*, and the said Park of
 ' *Woodstock*, with the House then erecting therein, and other
 ' the Manors, Messuages, Lands, Tenements, and Heredita-
 ' ments in the said therein and herein-before recited Act of
 ' the Fifth Year of the Reign of Her said late Majesty Queen
 ' *Anne* mentioned and described, to the said *John Duke of*
 ' *Marlborough*, his Heirs and Assigns for ever: And whereas
 ' by another Act made and passed in the Fifth Year of the
 ' Reign of Her said late Majesty, intituled *An Act for the* 5 Ann. c. 4.
 ' *settling of the Honours and Dignities of John Duke of Marl-*
 ' *borough upon his Posterity, and annexing the Honor and Manor*
 ' *of Woodstock and House of Blenheim to go along with the said*
 ' *Honours*, it was enacted, that, in default of Heirs Male of the
 ' Body of the said Duke of *Marlborough* issuing, the States,
 ' Degree, Styles, Titles, Dignities, and Honours therein-before
 ' mentioned should continue, remain, be vested in, and should
 ' be held and enjoyed by the Lady *Harriet*, eldest Daughter
 ' of the said Duke of *Marlborough*, and Wife of *Francis Godol-*
 ' *phin* Esquire, Son of and Heir Apparent of *Sidney Lord*
 ' *Godolphin*, Lord High Treasurer of *England*, and the Heirs
 ' Male of her Body begotten; and for Default of such Issue
 ' should continue, remain, be vested in and held and enjoyed
 ' by *Anne* Countess of *Sunderland*, Second Daughter of the said
 ' Duke of *Marlborough*, and Wife of *Charles* Earl of *Sunderland*,
 ' and the Heirs Males of her Body begotten; and for Default
 ' of such Issue should continue, remain, be vested in and held
 ' and enjoyed by *Elizabeth* Countess of *Bridgewater*, Third
 ' Daughter of the said Duke of *Marlborough*, and Wife of
 ' *Scrope* Earl of *Bridgewater*, and the Heirs Males of her Body
 ' begotten; and for Default of such Issue should continue,
 ' remain, be vested in and held and enjoyed by the Lady *Mary*,
 ' youngest Daughter of the said Duke of *Marlborough*, and the
 ' Wife of *John Montague* Esquire, called Marquis of *Monthermer*,
 ' Son and Heir Apparent of *Ralph* Duke of *Montague*, and the
 ' Heirs Males of her Body begotten; and for Default of such
 ' Issue then to continue, remain, be vested in and held and
 ' enjoyed by all and every other the Daughter and Daughters
 ' of the said Duke of *Marlborough* to be begotten, severally and
 ' successively, one after the other, as they shall be in Priority
 ' of

' of Birth, and the Heirs Males of their respective Bodies
 ' issuing, the elder of such Daughters and the Heirs Males of
 ' her Body to be preferred and take before the younger of
 ' such Daughters and the Heirs Males of her Body; and for
 ' Default of such Issue then to continue, remain, be vested
 ' in and held and enjoyed by the First Daughter of the
 ' Body of the said Lady *Harriet Godolphin* begotten, and the
 ' Heirs Males of the Body of such First Daughter begotten;
 ' and for Default of such Issue then to continue, remain, be
 ' vested in and held and enjoyed by all and every other the
 ' Daughter and Daughters of the Body of the said Lady
 ' *Harriet Godolphin*, severally and successively, one after the
 ' other, as they should be in Priority of Birth, and the Heirs
 ' Males of the respective Bodies issuing, the elder of such
 ' Daughters and the Heirs Males of her Body to be preferred
 ' and take before the younger of such Daughters and the Heirs
 ' Males of her Body; and for Default of such Issue then to
 ' continue, remain, be vested in and held and enjoyed by the
 ' First Daughter of the Body of the said *Anne Countess of*
 ' *Sunderland* begotten, and the Heirs Males of the Body of such
 ' First Daughter begotten; and for Want of such Issue then to
 ' continue, remain, be vested in and held and enjoyed by all and
 ' every other the Daughter and Daughters of the Body of the
 ' said *Anne Countess of Sunderland* begotten, severally and
 ' successively, one after the other, as they should be in Priority
 ' of Birth, and the Heirs Males of their respective Bodies
 ' issuing, the elder of such Daughters and the Heirs Males of
 ' her Body to be preferred and take before the younger of such
 ' Daughters and the Heirs Males of her Body; and for De-
 ' fault of such Issue then to continue, remain, be vested in and
 ' held and enjoyed by the First Daughter of the Body of the
 ' said *Elizabeth Countess of Bridgewater* begotten, and the Heirs
 ' Males of the Body of such First Daughter begotten; and for
 ' Want of such Issue then to continue, remain, be vested in and
 ' held and enjoyed by all and every other the Daughter and
 ' Daughters of the Body of the said *Elizabeth Countess of*
 ' *Bridgewater* begotten severally and successively, one after the
 ' other, as they should be in Priority of Birth, and the Heirs
 ' Males of their respective Bodies issuing, the elder of such
 ' Daughters and the Heirs Males of her Body to be preferred
 ' and take before the younger of such Daughters and the Heirs
 ' Males of her Body; and for Default of such Issue then to
 ' continue, remain, be vested in and held and enjoyed by the
 ' First Daughter of the Body of the said Lady *Mary Montague*
 ' begotten, and the Heirs Males of the Body of such First
 ' Daughter begotten; and for Want of such Issue then to
 ' continue, remain, be vested in and held and enjoyed by all
 ' and every other the Daughter and Daughters of the Body
 ' of the said Lady *Mary Montague* begotten, severally and
 ' successively, one after the other, as they should be in Priority
 ' of Birth, and the Heirs Male of their respective Bodies issuing,
 ' the elder of such Daughters and the Heirs Male of her Body

‘ to be preferred and take before the younger of such Daughters
‘ and the Heirs Male of her Body; and for Default of such
‘ Issue then to continue, remain, be vested in and held and
‘ enjoyed by all and every Daughter and Daughters of every
‘ other Daughter of the said Duke of *Marlborough* to be begot-
‘ ten, severally and successively as they should be in Priority of
‘ Birth, and the Heirs Male of the respective Bodies issuing,
‘ the eldest Daughter of every such Daughter and the Heirs
‘ Male of her Body to be preferred and take before the younger
‘ of such Daughters and the Heirs Male of her Body, the
‘ Daughter and Daughters of the elder of such thereafter to be
‘ born Daughters, and the Heirs Male of her and their respec-
‘ tive Bodies issuing, to be preferred and take in manner afore-
‘ said before the Daughter and Daughters of the younger of
‘ such other born Daughters; and for Default of such Issue to
‘ all and every other the Issue Male and Female lineally
‘ descending of or from the said Duke of *Marlborough*, in such
‘ Manner and for such Estate as the same were therein-before
‘ limited to the before-mentioned Issue of the said Duke, it
‘ being intended and thereby enacted that the said Honours
‘ should continue, remain, and be vested in all the Issue of the
‘ said Duke so long as any such Issue Male or Female should
‘ continue, and be held and enjoyed by them severally and
‘ successively in Manner and Form aforesaid, the elder and the
‘ Descendants of every elder Issue to be preferred before the
‘ younger of such Issue; and to the Intent that the said Honor,
‘ Manor, and Park of *Woodstock* in the County of *Oxford*, and
‘ the House then erecting there called *Blenheim*, and the Hun-
‘ dred of *Wootton* in the said County, and all other the Manors,
‘ Messuages, Lands, Tenements, and Hereditaments which, in
‘ and by the said Letters Patent under the Great Seal of *Eng-
‘ land* bearing Date the Fifth Day of *May* in the Fourth Year
‘ of Her then Majesty’s Reign, were by Her Majesty, pursuant
‘ to the said Act of Parliament, granted to the said Duke of
‘ *Marlborough* and his Heirs, and the Advowsons thereby
‘ granted, might always go along and be enjoyed with the
‘ Titles, Honours, and Dignities aforesaid, as therein-after is
‘ mentioned, it was thereby further enacted, that the said Duke
‘ of *Marlborough* should stand and be seised of all the said
‘ Honor and Manor and Park of *Woodstock*, Manors, House,
‘ and Premises, granted by the said last-mentioned Letters
‘ Patent, for and during the Term of his natural Life, without
‘ Impeachment of Waste, and from and after his Decease that
‘ the same should be and remain unto and be held and enjoyed
‘ by *Sarah* Duchess of *Marlborough*, Wife of the said Duke, for
‘ and during the Term of her natural Life, and from and after
‘ her Decease the same should be and remain unto and be held
‘ and enjoyed by the Heirs Male of the Body of the said Duke
‘ of *Marlborough* begotten, and for Default of such Issue then
‘ the same should be and remain unto and be held and enjoyed
‘ by all and every the Daughters of the said Duke of *Marl-
‘ borough*, and the Heirs Male of their respective Bodies issuing,
‘ and

‘ and all others, severally and successively, in such Manner as
 ‘ the said Titles, Honours, and Dignities aforesaid where therein-
 ‘ before expressed and limited to go and be enjoyed; and it
 ‘ was thereby further provided and enacted, that neither the said
 ‘ Duke of *Marlborough* or the Heirs Male of his Body, nor any
 ‘ of his Daughters or the Heirs Males of their Bodies, or any
 ‘ other Persons to whom the Manors should come or descend
 ‘ by virtue of the Limitations aforesaid, should have any Power,
 ‘ by Fine or Recovery, or any other Act, Assurance, or Con-
 ‘ veyance in the Law, to hinder, bar, or disinherit any the
 ‘ Person or Persons to or upon whom the said Manor, House,
 ‘ Lands, Tenements, Hereditaments, or Premises were thereby
 ‘ vested or limited, from holding or enjoying the same accord-
 ‘ ing to the Limitations before in the said Act mentioned, other
 ‘ than and except such Leases as the said Duke and Duchess
 ‘ might make by virtue of the Powers therein-before mentioned,
 ‘ and such other Leases as Tenants in Tail might and were
 ‘ enabled to make by virtue of the Statute made in the Thirty-
 ‘ second Year of the Reign of King *Henry* the Eighth, and
 ‘ Grants of Lands or Tenements held by Copy of Court Roll
 ‘ according to the Customs of the respective Manors aforesaid,
 ‘ but all such Fines, Recoveries, Acts, Assurances, and Con-
 ‘ veyances, other than such Leases and Grants by Copy as
 ‘ aforesaid, should be and were thereby declared and enacted to
 ‘ be void: And whereas the said *John* Duke of *Marlborough*
 ‘ and *Sarah* his Wife, and Lady *Harriet Godolphin* afterwards
 ‘ Duchess of *Marlborough*, departed this Life without Issue
 ‘ Male: And whereas the said *Anne* Countess of *Sunderland* had
 ‘ Issue *Robert* Earl of *Sunderland*, who died without Issue, and
 ‘ *Charles*, afterwards Duke of *Marlborough*, her Second Son:
 ‘ And whereas the said *Charles* Duke of *Marlborough* died in
 ‘ the Year One thousand seven hundred and fifty-eight, leav-
 ‘ ing *George* late Duke of *Marlborough* his only Son, who left
 ‘ Issue *George* the late Duke of *Marlborough*: And whereas the
 ‘ said last-mentioned *George* Duke of *Marlborough* departed this
 ‘ Life on or about the Fifth Day of *March* One thousand eight
 ‘ hundred and forty, leaving *George* the now Duke of *Marl-*
 ‘ *borough* him surviving, who, as such Duke of *Marlborough*, and
 ‘ as One of the Issue and Descendants of the said *John* Duke of
 ‘ *Marlborough*, is, under the Limitations in the said recited Act
 ‘ of the Fifth Year of the Reign of Her said late Majesty
 ‘ Queen *Anne*, become Tenant in Tail Male, or to him and the
 ‘ Heirs Male of his Body, or for such Estate as under the Limi-
 ‘ tations aforesaid he is entitled to in Possession of and in the
 ‘ said Honor, Manor, and Park of *Woodstock* (now more usually
 ‘ known and called by the Name of *Blenheim Park*), and other
 ‘ the Manors or reputed Manors, House, Messuages, Lands,
 ‘ Tenements, Hereditaments, and Premises so settled in and
 ‘ by the said recited Act of the Fifth Year of the Reign of Her
 ‘ said late Majesty Queen *Anne*, as herein-before is mentioned:
 ‘ And whereas the said House formerly called *Blenheim* (now
 ‘ more usually known and called by the Name of *Blenheim*
 ‘ *Palace*),

'Palace), and the Buildings and Premises connected therewith,
 'are in great Want of Repair, and require to be reinstated,
 'and it is desirable that the same should be respectively
 'repaired and reinstated forthwith: And whereas the Expences
 'of repairing and reinstating the said House or Palace and
 'Buildings, and the Premises connected therewith, in a proper
 'Manner, have been estimated at the Sum of Twenty-five
 'thousand Pounds, and the said *George* now Duke of *Marl-*
 '*borough* being wholly unable to furnish out of his private
 'Means any Sum or Sums sufficient for such Repairs and
 'Reinstatement, it is reasonable, under the Circumstances, that
 'the same should be raised in the Manner herein-after men-
 'tioned: And whereas there is standing and growing in or
 'upon Part of the aforesaid Park called or known by the Name
 'of the *Little Park* a Quantity of Timber which has attained
 'its full Growth, and is fit and proper to be felled, and which
 'might be felled without Injury to the Ornament or Shelter of
 'the said Park and Grounds: And whereas it has been esti-
 'mated that the Sum of Ten thousand Pounds might be raised
 'by the Sale of a Part of such Timber: And whereas it has
 'been doubted whether the said *George* the now Duke of *Marl-*
 '*borough*, or any other Duke of *Marlborough* for the Time
 'being, has, as such Tenant in Tail Male, or to him and the
 'Heirs Male of his Body, or of such other Estate as under or
 'by virtue of the said recited Act of the Fifth Year of the
 'Reign of Her said late Majesty Queen *Anne* he is entitled to
 'as aforesaid, has of his own Authority Power to cut such
 'Timber as aforesaid for the Purpose of Sale: And whereas
 'the said *George* the now Duke of *Marlborough* is desirous that
 'such Doubt should be removed, and that such Power as is
 'herein-after mentioned should be given to him the said *George*
 'the now Duke of *Marlborough*, or other the Duke of *Marl-*
 '*borough* for the Time being, of raising any Sum not exceeding
 'in the Whole Ten thousand Pounds, the said Sum (if any) so
 'to be raised to be applied, at the Times and in Manner here-
 'in-after mentioned, in or towards the Payment off of the Sum
 'of Twenty-five thousand Pounds to be raised by Mortgage
 'under the Powers of this Act in the Manner also herein-after
 'mentioned: May it therefore please Your Majesty that it may
 be enacted; and be it enacted by the Queen's most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parlia-
 ment assembled, and by the Authority of the same, That it
 shall be lawful for the said *George* the now Duke of *Marl-*
 '*borough*, either from Time to Time, or at any One Time, to
 borrow and take up at Interest, in the Manner herein-after
 mentioned any Sum or Sums of Money not exceeding in the
 Whole Twenty-five thousand Pounds, and as a Security for the
 Money so to be borrowed, by Indenture or Indentures, to be
 duly sealed and delivered, to demise all or any of the said
 Honor, Manor, and Park of *Woodstock* otherwise *Blenheim Park*,
 and other the Honors, Manors, Messuages, Lands, Tenements,
 Heredita-

Duke of
 Marlborough
 empowered to
 borrow 25,000*l.*
 on Mortgage of
 Woodstock
 Park, &c.
 except *Blen-*
heim Palace,
 notwithstanding
 5 Ann. c. 3.

Hereditaments, and Premises so settled by the said recited Act of the Fifth Year of the Reign of Her said late Majesty Queen *Anne* as aforesaid, or any or either of the same Hereditaments and Premises, except the said House called *Blenheim Palace*, and the Buildings connected therewith, to any Person or Persons, or Body or Bodies Politic or Corporate, who shall be willing to lend or advance the same, or to such Person or Persons as the Party lending or advancing the same may nominate or appoint, for any Term or Terms of Years, any thing in the said recited Act of the Fifth Year of the Reign of Her late Majesty Queen *Anne*, or in any other Act or Acts, or any Rule of Law whatsoever, to the contrary thereof in anywise notwithstanding; but every such Term so to be created or granted as aforesaid to be subject to a Proviso in such Mortgage or respective Mortgages to be contained for the Cesser thereof respectively on full Payment to the Person or Persons, Body or Bodies Politic or Corporate, who shall advance the same or any Part or Parts thereof, his, her, or their Executors, Administrators, Successors, or Assigns, of the Principal Sum or Sums so to be borrowed, and such Interest as shall become due for the same; and all and every the Sum or Sums of Money so to be advanced or lent as aforesaid shall be paid to the Person or Persons, Body or Bodies Politic or Corporate, advancing or lending the same, at the Times and in the Manner herein-after mentioned; that is to say, the Interest thereof, or of so much thereof as from Time to Time shall remain unpaid, at such Rate as shall be agreed upon, to be paid by equal half-yearly Payments on the Days to be therein respectively appointed, and One Twenty-fifth Part of the Principal Money at the End of the Third Year from the Day of advancing or lending such Sum or Sums of Money respectively, and a like Part of the Principal Money at the End of each Year of the succeeding Years, until the whole of the Sum or respective Sums so to be advanced and lent as aforesaid shall be discharged; which Mortgage or Mortgages, when so made and enrolled as herein-after mentioned, shall bind every succeeding Duke of *Marlborough*, until the Principal Money, Interest, and Costs secured by such Mortgage or Mortgages respectively shall be paid off and discharged, as fully and effectually as if such Duke of *Marlborough* had made and executed the same.

Mortgage to contain Covenant for Payment of Principal, &c.

II. And be it further enacted, That every such Mortgage shall contain a Covenant from the said *George* the now Duke of *Marlborough*, for himself, his Heirs, Executors, and Administrators, to pay and keep down so much of the said Principal Money and Interest as shall become payable upon such Mortgage or Mortgages during the Term of his natural Life.

Principal, &c. in arrear how to be recovered.

III. Provided always, and be it further enacted, That whenever the Principal Money or Interest to be secured by any such Mortgage or Mortgages, or any Part thereof respectively, shall be in arrear and unpaid for more than Forty Days after the same respectively shall become due, it shall be lawful for the Mortgagee or Mortgagees, his or their Executors, Administrators, Successors,

Successors, or Assigns, to recover the same respectively, or so much respectively as shall be then due, and the Costs and Charges attending the Recovery thereof, by Distress and Sale, in such Manner as Landlords may recover Rents reserved upon Leases for Years.

IV. Provided always, and be it further enacted, That from and after the Decease of every successive Duke of *Marlborough* no Person or Persons, Body or Bodies Politic or Corporate, shall, under or by virtue of any such Mortgage or Mortgages as aforesaid, or of any thing in this Act contained, be entitled to recover, as against the said Honor, Manors or reputed Manors, Hundred, Park, Messuage or Tenement, Lands, Hereditaments, and Premises, or any of them, or any Part or Parts thereof respectively, any more than One Year's Arrear of Interest which may have accrued before such Decease upon any Principal Sum to be secured by and for the Time being due and owing upon such Mortgage or Mortgages, or more than One Instalment of Principal Money which shall have fallen due before such Decease.

After the Decease of every successive Duke of *Marlborough* only One Year's Arrear of Interest to be recovered.

V. Provided always, and be it further enacted, That every such Mortgage as aforesaid shall contain a Proviso on the Part of the Mortgagee or respective Mortgagees for the quiet Possession and Enjoyment by the said *George* the now Duke of *Marlborough*, and every successive Duke of *Marlborough*, of the Hereditaments comprised in such Mortgage, and of the Rents, Issues, and Profits thereof, until Default shall be made by him or them respectively in Payment of the Interest and Principal Monies secured by such Mortgage, or some Part thereof, at the Time and in manner in such Mortgage mentioned for Payment thereof respectively.

Mortgage to contain a Proviso for quiet Possession by the Dukes of *Marlborough*.

VI. Provided nevertheless, and be it further enacted, That, notwithstanding any such Mortgage or Mortgages as aforesaid, it shall be lawful for the said *George* the now Duke of *Marlborough*, and every other Duke of *Marlborough* for the Time being, from Time to Time to make such Contracts and Agreements for granting Leases and such Leases, either under any existing Power or under any Power to be hereafter created, or otherwise howsoever, as he or they might have made in case this Act and the said Mortgage or Mortgages had not been passed or made, and such Mortgage or Mortgages shall also be subject to the Effect of all such Contracts and Agreements for Leases and of all such Leases as have been already lawfully made; and the Rent or Rents to be reserved upon every such Contract, Agreement, or Lease, as shall or may be made or granted after any such Mortgage or Mortgages as aforesaid shall have been executed, shall enure to the same Person, and shall be recoverable as if such Contract, Agreement, or Lease had been made and entered into previously to the Execution of such Mortgage or Mortgages.

Power of leasing not to be affected by Mortgage.

VII. And be it further enacted, That the said *George* the now Duke of *Marlborough*, and every succeeding Duke of *Marlborough* for the Time being, shall be and he and they is and are

One Twenty-fifth Part of the Principal Money to be paid every Year

after the Third
Year, &c.

hereby required to pay and discharge yearly at the End of the Third Year from the making of such Mortgage or Mortgages respectively, and at the End of each Year of the succeeding Years, One Twenty-fifth Part of the Principal Money thereby to be respectively secured, until the whole of such Money shall be discharged, and also from Time to Time to pay the Interest which shall become due on such Principal Money, or on such Part thereof as for the Time being shall remain unpaid; and in case the Duke of *Marlborough* for the Time being shall be an Infant then such Principal Money and the Interest thereof respectively herein-before required or directed to be paid and discharged in manner aforesaid may be recoverable by such Mortgagee or Mortgagees as aforesaid, and his and their Heirs, Executors, Successors, or Assigns, as the Case may be, as if such infant Duke of *Marlborough* had been capable of entering into and had actually entered into a Covenant or Covenants with such Mortgagee or Mortgagees, binding himself, his Heirs, Executors, and Administrators for the Payment thereof respectively.

Providing for
Payment of
Portion of
Interest due on
Decease of
every successive
Duke of
Marlborough.

VIII. Provided always, and be it further enacted, That upon the Decease of every successive Duke of *Marlborough* which shall happen before such Mortgage or Mortgages shall be discharged, the Heirs, Executors, or Administrators of the Duke of *Marlborough* who shall have then last departed this Life shall pay so much of the half-yearly Payment of Interest upon the Principal Money secured by any such Mortgage or Mortgages, accruing and not actually accrued due at the Time of his Decease, as shall be in proportion to the Time which such Duke of *Marlborough* shall have lived of the then current Half Year, and shall also, in case such Decease shall happen after the Expiration of the Second Year from the Date of such Mortgage or Mortgages respectively, pay so much of the annual Instalment which shall become due next after such Decease of every Principal Sum so to be secured as aforesaid as shall be in proportion to the Time which such Duke of *Marlborough* shall have lived of the then current Year.

No Preference
among Mort-
gagors.

IX. And be it further enacted, That if the said Sum of Twenty-five thousand Pounds herein-before authorized to be charged shall be raised by more than One such Mortgage as aforesaid, and the Whole or any Part of the said Manors, Hereditaments, and Premises shall be comprised in Two or more such Mortgages as aforesaid, all Persons, Bodies Politic or Corporate, to whom such respective Mortgages shall be made, and those claiming by, from, through, or under such respective Mortgages, shall be equally entitled, one with the other, to the Premises comprised in such Mortgages, according to the respective Sums advanced, without any Preference by reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever.

Indentures to
be enrolled in
Chancery.

X. And be it further enacted, That no Indenture or Indentures, whereby any of the said Hereditaments and Premises are charged, or attempted or sought to be charged, under or by
virtue

virtue of the Powers and Authorities of this Act, shall be of any Force or Virtue unless and until the same shall be respectively enrolled in Her Majesty's High Court of Chancery.

XI. And be it further enacted, That it shall and may be lawful to and for the said *George* the now Duke of *Marlborough*, and any other Duke of *Marlborough* for the Time being, if of full Age, and his Agents and Workmen, from Time to Time, at any Time or Times after the passing of this Act, to mark, allot, and set out, or cause to be marked, allotted, and set out, any of the said Timber and Timberlike Trees which shall be standing and growing in or upon the said Part of the said Park of *Woodstock* otherwise *Blenheim Park* called the *Little Park*, and at their full Growth and Height of Improvement, or in a State of Decay or proper to be cut down for the Improvement of other Timber, and which, in the Judgment of the Right Honourable *Cropley Ashley* Earl of *Shaftesbury*, the Right Honourable *Sir James Graham* of *Netherby* in the County of *Cumberland*, *Baronet*, and *William Whateley* of the *Inner Temple*, Esquire, Barrister at Law, or of their Surveyor duly appointed by them for the Purpose, and the said *George* now Duke of *Marlborough* or any other Duke of *Marlborough* for the Time being, may be cut down and felled without Injury to the Appearance of the said Part of the said Park of *Woodstock* otherwise *Blenheim Park* called the *Little Park*, and by felling and cutting down or causing to be felled and cut down such Timber and Timberlike Trees so to be marked, allotted, and set out, or a competent Part thereof, and by felling and disposing of, or causing to be sold and disposed of, the Timber and Timberlike Trees so to be felled and cut down, to levy and raise any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, any thing in the said recited Act of the Fifth Year of the Reign of Her said late Majesty Queen *Anne*, or any Act or Acts, or Rule or Law whatsoever, to the contrary thereof in anywise notwithstanding, but so nevertheless that no such marking, allotting, setting out, cutting down, and felling, or Sale, as aforesaid, shall be made without the Concurrence and Approbation of the said Earl of *Shaftesbury*, *Sir James Graham*, and *William Whateley*, such Concurrence and Approbation to be signified by them in such Manner as to them shall seem most convenient and proper, and so that no greater or larger Quantity of Timber shall be cut, felled, and sold as aforesaid in any One Year than shall produce or be sufficient to produce by the Sale thereof the Sum of One thousand Pounds; and all and singular the Sum and Sums of Money to be produced by such Sale or Sales of Timber (if any) as aforesaid shall be paid and applied in or towards the Payment of any principal Debt or Sum for the Time being due and owing upon any such Mortgage or Mortgages as aforesaid.

Dukes of Marlborough empowered to sell Timber to the Amount of 10,000*l.* under certain Restrictions.

XII. And be it further enacted, That all and every Sum and Sums of Money to be raised by such Mortgage or Mortgages as aforesaid shall be paid into the Hands of the said Earl of

How Money raised by Mortgage to be applied.

Shaftesbury, Sir *James Graham*, and *William Whateley*, and shall be paid and applied by them in manner and for the Purposes herein-after mentioned; and it shall and may be lawful to and for the said *George* the now Duke of *Marlborough*, or in case of his Death before the Repairs and Reinstatements hereby respectively authorized to be made and executed shall have been completed, then to and for the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, after the Decease of the said *George* now Duke of *Marlborough*, from Time to Time to enter into any Contract or Contracts with proper Persons for such Repairs and Reinstatements, or any of them, and also to rescind or vary any such Contract or Contracts, or otherwise to order and direct such Repairs and Reinstatements, or any of them, to be made, done, and executed, but so nevertheless that no such Contract or Contracts which shall or may hereafter be entered into by the said *George* now Duke of *Marlborough* shall be so entered into or rescinded, or altered or varied, without the Concurrence and Approbation of the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, to be signified by Writing under their Hands, and so that such Repairs and Reinstatements as have been or shall or may be hereafter otherwise ordered or directed by the said Duke, under the Powers or Authorities of this Act, shall be such as shall be approved of by the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, such Approbation to be signified by some Writing under their Hands; and the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley* shall and may pay and apply the Monies coming to their Hands under or by virtue of this Act according to the Terms of such Contract or Contracts as aforesaid (if any), or of any Contract or Contracts (if any) already made by the said Duke of *Marlborough* (if they the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley* shall approve of the Terms of such Contract or Contracts, such Approbation to be signified as aforesaid); or otherwise the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley* shall and may, at their Discretion, pay and apply such Monies in or towards the Costs, Charges, and Expences of any such Repairs and Reinstatements as have been already or shall or may hereafter be ordered or directed by the said *George* the now Duke of *Marlborough*, and approved of by them the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley* as aforesaid, or in any way consequent thereon or connected therewith, or incident or in anywise relating thereto, and in such Manner as they shall in their entire Discretion think fitting and proper; and the Care and Execution of any such Contract or Contracts as aforesaid, or of such Repairs as may be otherwise ordered, directed, and approved of as aforesaid, shall be under the Superintendence of the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, or of their Surveyor, to be appointed by them for the Purpose; and if any Balance shall remain in the Hands of the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, after such Payments as afore-

said,

said, the same shall be paid in discharge of the Principal Debt or Sum secured by any such Mortgage or Mortgages, so far as such Balance shall extend to pay, and so as to produce proportionably the annual Instalment of such Debt or Sum, or any such Debts or Sums, or such of the said Instalments as shall not have fallen due; and the Receipt or Receipts in Writing of the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, for any Money payable to them or him, under or by virtue of this Act, shall be a good and sufficient Discharge or good and sufficient Discharges for the same, and that the Person or Persons to whom such Receipt or Receipts shall be respectively given shall not be answerable or accountable for the Loss, Misapplication, or Nonapplication, or be in anywise bound or concerned to see to the Application of the Money in such Receipt or Receipts respectively acknowledged to be received.

XIII. Provided always, and be it further enacted, That if at any Time or Times before all the Purposes of this Act shall have been carried into execution the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, or any or either of them, or any other Person or Persons who may be appointed under this present Power, shall die, or decline or become incapable to act, or desire to be discharged from acting in the Execution of the Purposes of this Act, then and so often as the same shall happen it shall be lawful for Her Majesty's High Court of Chancery, in a summary Way, upon the Petition of the said *George* the now Duke of *Marlborough*, or of any other Duke of *Marlborough* for the Time being, or if he shall be under Age, then of his Guardian or Guardians for the Time being, to nominate or appoint any other Person or Persons in the Stead or Place of them the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, or of such One or more of them, or of such other Persons, or of such One or more of such other Persons, who shall so die, or decline or become incapable to act, or desire to be discharged; and such Person or Persons so to be nominated shall and may act or concur in acting in the Execution of the Purposes and Powers of this Act, with such and the same Powers, and in such and the same Manner, and shall have such and the like Discretion in all Things, as if he or they had originally and by this Act been nominated and appointed for the Purposes aforesaid; and it shall also be lawful for the said Court of Chancery to make such Orders or Directions as may be thought necessary or proper, for the Purpose of vesting or effecting the Investment of the Funds and Monies, if any, for the Time being remaining unexpended for the Purposes of this Act, in the Person or Persons so to be appointed as aforesaid, jointly with the Survivors or Survivor, others or other of them, the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, or such other Person or Persons as aforesaid, and such other Orders and Directions as the Circumstances of the Case may require; and that the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, and the Person or Persons to be appointed

In case of Death of Persons appointed to carry this Act into execution, Court of Chancery may appoint other Persons in their Stead.

as aforesaid, and each and every of them, and the Heirs, Executors, Administrators, and Assigns of them, each and every of them, shall be charged and chargeable respectively for such Monies only as they respectively shall actually receive by virtue of this Act, and of the Trusts hereby in them reposed, notwithstanding their or any of their giving or signing, or joining in giving or signing, any Receipt or Receipts for the Sake of Conformity, and any One or more of them shall not be answerable or accountable for the other or others of them or for involuntary Losses; and also that it shall be lawful for them, with and out of the Monies which shall come to their respective Hands under or by virtue of this Act, to retain to and reimburse themselves respectively, and also to allow to the other or others of them respectively, all Costs, Charges, Damages, and Expences which they or any of them shall or may suffer, sustain, expend, disburse, be at, or be put unto in or about the Execution of the aforesaid Trust or in relation thereunto.

In case of
Death of One
of the Parties
so appointed,
Survivors to
continue to act
for Four
Months.

XIV. Provided always, and be it further enacted, That in case of the Death of any one of them the said Earl of *Shaftesbury*, Sir *James Graham*, and *William Whateley*, before the Purposes of this Act, as far as respects them, shall have been completed and fulfilled, it shall and may be lawful to and for the Survivors of them to continue to act in and for the same Purposes during the Space of Four Calendar Months from the Date of such Death, as fully to all Intents and Purposes as if the one of them so dying had been still living and continuing to act jointly with the others of them in and for the same Purposes.

Act may be
amended this
Session.

XV. And be it further enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. XLIV.

An Act to amend an Act of the Seventh Year of King *George the Fourth*, for consolidating and amending the Laws relating to Prisons in *Ireland*.

[4th August 1840.]

2 & 3 Vict. c. 56.

‘ WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the better ordering of Prisons*, whereby, among other things, Provision was made for the individual Separation of Prisoners confined in Prisons throughout *England*; and it is expedient to make Provision for the like Purpose in *Ireland*, and in that respect to amend an Act passed in the Seventh Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That notwithstanding any thing contained in the said recited Act of the Seventh Year of His

7 G. 4. c. 74.

The Lord
Lieutenant and
Council to

His Majesty King George the Fourth, empowering the Court of Queen's Bench in *Ireland*, or any other Person or Persons, to make Rules and Regulations for the Government of Prisons in *Ireland*, and notwithstanding any thing contained in the said last-recited Act providing that no Bye Laws, Rules, or Regulations shall be made in respect of any Gaol or Prison inconsistent with the Provisions of the said last-recited Act, it shall and may be lawful to and for the Board of Superintendence of any Prisons in *Ireland*, with the Approval of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, from Time to Time to make such Rules, Orders, and Regulations for the Government of all or any Prisons or Prison in *Ireland* as shall appear to the said Lord Lieutenant or other Chief Governor or Governors and Council requisite for the Classification of Prisoners of each Sex in any such Prisons or Prison, or for the individual Separation of all or any of the Prisoners confined therein, with due Regard to their proper Supervision, Religious and Moral Instruction, and Employment, and from Time to Time to alter or add to such Rules.

make Rules for the Separation of Prisoners.

II. And be it enacted, That all such Rules and Regulations made under Authority of this Act, so far as the same shall annul or be contrary to the Rules and Provisions enacted in the said recited Act, or made or to be made under the Authority of the same or any of them, shall be deemed and taken to supersede and make void any such Rules or Provisions as last aforesaid.

Rules made under this Act to supersede former Rules.

III. And be it enacted, That in order to prevent the Contamination arising from the Association of Prisoners in any Prison in which Rules for the individual Separation of Prisoners shall be in force, any Prisoner may be separately confined during the Whole or any Part of the Period of his or her Imprisonment, under the Restrictions herein-after provided.

Prisoners may be separately confined.

IV. And be it declared and enacted, That separate Confinement under the Provisions of this Act shall not be deemed solitary Confinement within the Meaning of any Act forbidding the Continuance of solitary Confinement for more than a limited Time: Provided always, that no Cell shall be used for the separate Confinement of any Prisoner which is not of such a Size, and lighted, warmed, ventilated, and fitted up in such Manner, as may be required by a due Regard to Health, and furnished with the Means of enabling the Prisoner to communicate at any Time with an Officer of the Prison; and that no Cell shall be used for such separate Confinement until its Fitness in these several Particulars shall have been certified by One of the Inspectors General of Prisons to the said Lord Lieutenant or other Chief Governor or Governors; and that every Prisoner so separately confined shall have the Means of taking Air and Exercise at such Times as shall be deemed necessary by the Surgeon, and shall be furnished with the Means of Moral and Religious Instruction, and with suitable Books, and also with Labour or Employment, unless it shall be deemed advisable by

Separate Confinement not to be deemed solitary Confinement.

Regulations respecting solitary Confinement.

Proviso.

the said Lord Lieutenant or other Chief Governor or Governors and Council to make a Regulation for withholding for a Period or Periods, not exceeding One Calendar Month at any One Time, such Labour or Employment: Provided also, that if it shall at any Time be made to appear to the said Lord Lieutenant or other Chief Governor or Governors and Council, that the Conditions upon which such Rules for the separate Confinement of Prisoners were allowed have not been fulfilled, or that upon further Inquiry it shall appear that the Provisions required are insufficient, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors and Council to annul the Rules so made and allowed as aforesaid, and thenceforward the Rules so annulled shall cease to be of Force in that Prison, and thereafter it shall not be lawful to continue any Prisoner in separate Confinement in that Prison until new Provisions shall have been made and allowed as aforesaid for the separate Confinement of Prisoners therein: Provided also, that in case the Prison shall be inadequate for the individual Separation of all the Prisoners who may be confined therein at One Time, the Rules of the Prison shall specify the Class or Description of Prisoners who shall be confined in the separate Cells, having regard either to the Nature of the Crime with which the Prisoner may be charged, or of which he or she may have been convicted, or to the Sex or Age of the Prisoner, or to the Term of Imprisonment, or to such other Circumstances as the Board of Superintendence shall think fit, and as the said Lord Lieutenant or other Chief Governor or Governors and Council shall approve.

Proviso.

Like Provision for the Superannuation of Keepers, &c. of Prisons in Dublin as has been made in other Counties in Ireland.

V. ‘ And whereas it is expedient to make the like Provision ‘ for the Superannuation of the Keepers, Turnkeys, and Matrons of Prisons within the County of *Dublin* and County of ‘ the City of *Dublin* as has been made for the same Purpose in ‘ other Counties throughout *Ireland*;’ be it therefore enacted, That it shall and may be lawful for the several Grand Juries at the Presenting Terms in the County of *Dublin* and County of the City of *Dublin*, upon the Recommendation of the Inspectors General of Prisons, or One of them, supported by the Certificate of the Board of Superintendence of any Gaol, Bridewell, House of Correction, or other Prison, in or for either of such Counties respectively, or by such other Certificates as the said Lord Lieutenant or other Chief Governor or Governors shall require or direct, that any Keeper, Turnkey, or Matron of such Gaol, Bridewell, House of Correction, or other Prison, is incapable, from Age, or Infirmary of Mind or Body, to discharge the Duties of his or her Office, to order that such Keeper, Turnkey, or Matron shall and may be superannuated, and shall and may receive such yearly Allowance or Superannuation as to such Grand Jury shall seem fitting and proper, and thereupon such Keeper, Turnkey, or Matron shall cease to hold his or her Office, and the yearly Sum to which he or she shall become entitled shall be presented by the Grand Jury of the County of the City of *Dublin* or of the County of *Dublin*, as the Case may be, in equal Moieties, One at each Presenting Term during

during the Life of the Person so superannuated, on its being proved to the Satisfaction of such Grand Jury that such Person is living: Provided always, that no such Superannuation Allowance for any such Keeper, Turnkey, or Matron shall in any Case exceed Two Thirds of the annual Salary to which such Person shall be entitled at the Time of his or her Superannuation, nor the Proportions with reference to the Amount of the Salary of any such Keeper, Turnkey, or Matron, and the Periods of their Services respectively, which, by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*, are directed to be observed. 4 & 5 W. 4. c. 24.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended this Session.

CAP. XLV.

An Act to continue until the First Day of *June* One thousand eight hundred and forty-two, or if Parliament shall then be sitting, until the End of the then Session of Parliament, the Local Turnpike Acts for *Great Britain* which expire with this or the ensuing Session of Parliament. [4th August 1840.]

‘WHEREAS it is expedient that the several Acts for regulating Turnpike Roads in *Great Britain* herein after referred to should be continued for a limited Time:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Act for making, amending, or repairing any Turnpike Road or Roads in *Great Britain* which will expire on the First Day of *June* in the Year One thousand eight hundred and forty-one, or if Parliament shall be then sitting at the End of the then Session of Parliament, shall be and the same is hereby continued until the First Day of *June* One thousand eight hundred and forty-two, or if Parliament shall then be sitting until the End of the then Session of Parliament.

Turnpike Acts for Great Britain near expiring continued for a further Term.

II. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing the Road from Blake-down Poole in the Parish of Hagley in the County of Worcester to Birmingham in the County of Warwick*.

Act not to extend to 58 G. 3. c. xiv.

CAP. XLVI.

An Act to continue for One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads in *Ireland*.

[4th August 1840.]

‘ WHEREAS the several Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were by an Act passed in the First and Second Years of the Reign of Her present Majesty continued for the Term of One Year, and thenceforth until the End of the present Session of Parliament; and it is expedient that the said Acts should be further continued:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Road or Roads in *Ireland*, which will expire during or with the present Session of Parliament, shall be and the same is and are hereby continued for One Year from the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Turnpike Acts for Ireland near expiring continued for One Year.

CAP. XLVII.

An Act to repeal so much of an Act of the Ninth Year of the Reign of Her late Majesty Queen *Anne* as prevents the Re-election of Mayors of Parliamentary Boroughs and other annual Returning Officers.

[4th August 1840.]

‘ WHEREAS by an Act passed in the Ninth Year of the Reign of Her late Majesty Queen *Anne* intituled *An Act for rendering the Proceedings upon Writs of Mandamus and Informations in the Nature of a Quo warranto more speedy and effectual, and for the more easy trying and determining the Rights of Offices and Franchises in Corporations and Boroughs*, after reciting that “in divers Counties, Boroughs, Towns Corporate, and Cinque Ports, where the Mayor, Bailiff, or other Officer or Officers to whom it belonged to preside at the Election and make Return of any Member to serve in Parliament ought to be annually elected, the same Person had been re-elected into such Office for several Years successively, which had been found inconvenient,” it was enacted “that no Person or Persons who had been or should be in such annual Office for One whole Year should be capable to be chosen into the same Office for the Year immediately ensuing; and that where any such annual Officer or Officers should be to continue for a Year, and until some other Person or Per-

9 Ann. c. 20.

sons

' sons should be chosen and sworn into such Office, if any
' such Officer or Officers should voluntarily and unlawfully
' obstruct and prevent the choosing another Person or Persons
' to succeed into such Office at the Time appointed for making
' another Choice, he or they should forfeit One hundred Pounds
' for every such Offence, to be recovered, with Costs of Suit,
' by such Person as would sue for the same, in any of Her
' Majesty's Courts of Record before mentioned, by Action of
' Debt, Bill, Plaint, or Information, wherein no Essoign, Pro-
' tection, or Wager of Law should be allowed, nor any more
' than One Impar lance; one Moiety thereof to Her Majesty,
' Her Heirs and Successors, and the other Moiety to him or
' them that would sue for the same :'' And whereas such Pro-
' vision has now become unnecessary and inexpedient :'' Be it
therefore enacted by the Queen's most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That so much of the said
Act of the Ninth Year of the Reign of Her late Majesty Queen
Anne as is herein-before recited shall be and the same is hereby
repealed.

Provision in
recited Act
repealed.

II. And be it enacted, That no Person who shall before the
passing of this Act have been re-elected into any Office by virtue
of which it belongs to him to preside at any Election or make
Return of any Member to serve in Parliament shall be deemed
to have been incapable of being chosen into such Office, or be
liable to have his Right to exercise such Office questioned, by
reason of so much of the said recited Act as is hereby repealed.

Election of the
Returning
Officers re-
elected not to
be questioned
under the above
Provision.

CAP. XLVIII.

An Act to enable Proprietors of Entailed Estates in
Scotland to feu or lease on long Leases Portions of
the same for the building of Churches and Schools,
and for Dwelling Houses and Gardens for the
Ministers and Masters thereof. [4th August 1840.]

' **WHEREAS** it would be for the Advancement of Religion
' and Education in *Scotland* if the Proprietors of Entailed
' Estates in that Country were enabled to grant in feu, or
' lease on long Leases, Portions of such Estates, for the Pur-
' pose of building thereon Places of Christian Worship, and
' Schools and Dwelling Houses for the Ministers and Masters
' thereof, with suitable Gardens to such Houses :'' May it there-
fore please Your Majesty that it may be enacted; and be it
enacted by the Queen's most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by
the Authority of the same, That from and after the passing of
this Act it shall be lawful to Heirs of Entail for the Time being
in Possession of Entailed Estates in *Scotland*, and having made
up a feudal Title thereto, if of lawful Age, or if in Pupillarity

Heirs
may grant
Leases of Por-
tions of the
Estates for
Sites of
or Churches, &c.

or Minority, or under mental or other legal Disability, then to the Tutors or Curators or other legal Guardians of such Heir, notwithstanding any prohibitory, irritant, and resolute Clauses contained in any Entail already made and established, or which may hereafter be made and established, pursuant to the Directions contained in an Act of the Parliament of *Scotland* made in the Year One thousand six hundred and eighty-five, intituled *Act concerning Tailzies*, to grant or dispo in feu, or to let or lease for any Period of Endurance, for such yearly Feu Duty or Rent as may be agreed upon, though inadequate and below the just Avail or Value, Portions of such Estates respectively, not exceeding the Extent herein-after mentioned, as the Sites of Places of Public Christian Worship, and Schools, and for Burying Grounds and Playgrounds for such Places of Public Worship and Schools respectively, and also for Dwelling Houses and Gardens for the Ministers and Schoolmasters thereof respectively; and the Feu Charters or Dispositions or Leases so to be granted shall be good, valid, and effectual to the Grantee or Lessee under the same against any subsequent Heir of Entail, and the granting of the same shall not infer any Forfeiture, Irritancy, or Claim of Reparation against the Heir granting such Feu or Lease: Provided always, that the Sheriff to whom Application shall be made in manner after directed shall be satisfied of the Propriety of the Measure in the whole Circumstances; and that no Grassum, Fine, or other Consideration shall be given or paid therefor to or for the exclusive Benefit or Advantage of the Heir of Entail in Possession granting such Feu or Lease, or of the Heir of Entail consenting thereto as herein-after provided; and provided also, that the Extent of Ground feued or leased shall not exceed One Fourth of an Acre for any One Place of Worship, nor One Acre for any One Burying Ground attached thereto, nor One Eighth of an Acre for any one Dwelling House for a Minister or Schoolmaster, nor One Acre for any Schoolhouse and Playground attached thereto, nor Half an Acre for the Garden attached to such Dwelling Houses respectively.

Rights of Heir
of Entail in
Possession not
to be prejudiced.

II. Provided always, and be it enacted, That nothing herein contained shall prevent or be construed to prevent any Heir of Entail in Possession from exercising any Power of granting Feus and Leases which may be contained in the Entail under which he possesses more extensive than the Power of granting Feus or Leases hereby conferred, and without any Application to the Sheriff hereby directed.

No Lease to be
granted without
Permission of
Sheriff, who
may refuse if
he deems it
injurious to
succeeding
Heirs.

III. And be it enacted, That, previous to the granting any such Feu or Lease, the Heir of Entail intending to grant the same shall present a Petition to the Sheriff of the County within which the Entailed Land to be feued or leased lies, setting forth the particular Description and Extent of Land proposed to be feued or leased, the Purpose to which the same is to be applied, and the Parties in whom it is to be vested in Trust for such Purposes, and praying the Sheriff to interpose his Authority thereto; and such Sheriff shall thereupon, unless the

the Consent in Writing of the Heir of Entail of lawful Age next in Order of Succession to such Entailed Estate shall be produced with the Petition, order Intimation of such Petition to be made to the said Heir of Entail next in Order of Succession within the United Kingdom, or if out of the United Kingdom then to the Factor or Agent of such next Heir if of lawful Age, and if in Pupillarity or Minority, or under mental or other legal Disability, then to the Tutors or Curators or other legal Guardians of such Heir, and shall, unless such Consent shall be produced, also order Notice of such Petition, in such Terms as he shall direct, to be published in the *Edinburgh Gazette*, and in some One Newspaper, to be fixed on by him, Three Times at Intervals of Fourteen Days; and upon Production to the Sheriff of such Intimation and Publication, if there be any such Heir in existence and known, or otherwise of such Publication, with a Declaration by the Petitioner, to which he may be required to make Oath, that no such Heir is in Existence or known, he shall resume the Consideration of the Petition, and shall institute such Inquiry into the Circumstances of the Case as he shall think necessary; and after hearing the Heir of Entail to whom Notice shall be so given, if he shall appear to oppose the granting the Prayer of the said Petition, the Sheriff shall, whether Appearance be made or not, if satisfied of the Propriety of the Measure, pronounce a Deliverance interponing his Authority thereto as craved, or under such Limitation or Qualification as he may judge necessary or proper, or he may refuse the Prayer of the Petition if he should deem the granting the Feu or Lease injurious, otherwise than as regards the Feu Duty or Rent as aforesaid, to the Interest of the succeeding Heirs of Entail.

IV. And be it enacted, That, the Authority of the Sheriff being interponed as aforesaid, it shall be lawful to the Heir of Entail so applying to execute a Feu Charter or Lease, as the Case may be, in conformity with the said Petition and Deliverance thereon, in favour of the Presbytery of the Bounds, or the Trustees or Managers or Directors of the Place of Christian Worship or School respectively, and their Successors in Office, or such other Body as may be selected and agreed upon, in Trust for the Purposes set forth in such Petition; and such Heir shall not, by the Execution of such Feu Charter or long Lease, incur any Forfeiture, Irritancy, or Loss of Right, any thing in the Deed of Entail under which he holds the Entailed Estate to the contrary notwithstanding.

Heir of Entail not liable to Forfeiture or Loss of Right by granting Lease.

V. And be it enacted, That the recording of such Feu Charter in the General Register of Sasines (and the Keepers thereof are hereby authorized and required to register the same) shall, without any Infeftment thereupon, validly and effectually vest and seise the Grantees in such Charter in the Land thereby conveyed; and such Feu Charters and Leases shall be effectual to the Successors in Office of the Persons in whose Favour the same shall have been granted for the Trust Purposes

Feu Charter, when recorded, to vest Lands in Grantees and their Successors, without Transfer, during the whole Term of Lease.

Purposes for which they were granted, without any Transference or Renewal of the Investiture, in all Time thereafter as regards such Feu Charters, and during the whole Duration of such Leases.

Trustees not to
dispone, &c.
Land, or assign
Leases.

VI. And be it enacted, That it shall not be competent or lawful to the Parties in whose Favour such Feu Charters or Leases shall have been granted in Trust as aforesaid, or their Successors in Office, to dispone, let, sub-feu or sub-let the Lands so held by them, nor to assign such Leases, nor to borrow Money on the Security of the same, nor to burden the Lands held by them in any Way with Debts or Obligations of any Description; and all Dispositions, Sub-feus, Heritable Bonds or Dispositions in Security, Leases and Sub-leases of the Lands so feued or leased, or Assignations of such Leases, and all Adjudications of such Lands in Implement or for any such Debt or Obligation, shall be null and void to all Intents and Purposes.

Lands, or
Buildings
thereon, not to
be used for any
Purpose than
that for which
it was granted.

VII. And be it enacted, That it shall not be lawful to the Parties in whose Favour such Feu Charter or Lease shall have been granted, or their Successors, to divert the Land so feued or leased, or the Buildings erected thereon, to any other Purpose than the Purpose for which the same shall have been feued or leased; and if such Land or Buildings shall at any Time be so diverted, or shall be, for the Period of Five Years, left unemployed for the Purposes for which the same were feued or leased, it shall be competent for the Heir of Entail in Possession for the Time being to apply by Petition to the Sheriff of the County in which the Land or Buildings lie, setting forth the Diversion or Abandonment, and praying to have the Feu Charter or other Right or Lease declared to be forfeited, and the Land therein contained, with the Buildings erected thereon, to belong to the Heirs of Entail of the Estate in relation to which such Feu Charter or Lease was granted, in all Time thereafter, free from and unaffected by such Feu Charter or Lease, and to be again subject to the Destination and Fetters of the Entail of such Estate; and the said Sheriff after ordering Intimation of such Petition to the Parties at the Time in right of such Feu Charter or Lease, if known, and also public Notice to be affixed on the Door of the Parish Church of the Parish within which the Land feued or leased is *quoad sacra* situated, for Three successive *Sundays*, shall, on Evidence of such Intimation and Publication being produced to him, resume Consideration of the Petition, and shall inquire into the alleged Diversion or Abandonment, and shall hear the Parties in the Right of the Feu Charter or Lease, or any of the Inhabitants of the Parish for whose Behoof the Land is held, and receive any competent Evidence that shall be offered by any of the Parties interested; and if he shall find the Allegation of Diversion or Abandonment proved, he shall pronounce a Deliverance to that Effect, and shall declare the Feu Charter or Lease forfeited, and the Portions of Ground therein contained to belong to the Heirs of Entail aforesaid, in all Time thereafter,

thereafter, free from and unaffected by such Feu Charter or Lease, and subject to the Destination and Fetters of the Entail of the Estate in relation to which such Feu Charter or Lease was granted; and such Decree of Declarator shall be recorded in the general Register of Sasines, and the Land and Subjects to which the same relates shall be thereafter possessed by such Heirs of Entail accordingly, and as if such Feu Charter or Lease had never been granted.

VIII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in the present Session of Parliament.

Act may be altered this Session.

CAP. XLIX.

An Act to consolidate and amend the Laws for collecting the Duties of Excise on Soap made in *Great Britain*.
[4th August 1840.]

‘WHEREAS the Laws for collecting and securing the Duties of Excise on Soap have become numerous and complicated, and it is expedient to consolidate and amend the same,’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be raised, levied, and collected, allowed, granted, and paid, the Duties and Drawbacks of Excise following; (that is to say,)

Duties and Drawbacks on Soap.

For every Pound Weight Avoirdupois of all Hard Soap which shall be made in *Great Britain*, to be paid by the Maker thereof, a Duty of One Penny Halfpenny; for every Pound Weight Avoirdupois of all Hard Soap which shall be brought from *Ireland* into *Great Britain*, to be paid by the Importer thereof, a Duty of One Penny Halfpenny; for every Pound like Weight of all Soft Soap which shall be made in *Great Britain*, or which shall be brought from *Ireland* into *Great Britain*, to be paid by the Maker or Importer thereof respectively, a Duty of One Penny;

For every Pound Weight Avoirdupois of all Hard Soap, for which the Duty in respect thereof shall have been paid or charged, and which shall be duly exported as Merchandize from *Great Britain* to Foreign Parts, or which shall be shipped as Stores of any Vessel entitled to ship Stores Duty-free, or which shall be removed from *Great Britain* into *Ireland*, a Drawback of One Penny Half-penny:

For every Pound Weight Avoirdupois of all Soft Soap which shall be so exported, shipped, or removed a Drawback of One Penny.

II. And be it enacted, That the said Duties and Drawbacks shall be under the Management of the Commissioners of Excise, and shall be collected, paid, and accounted for in the same Manner as other the Duties and Drawbacks under the Manage-

Duties and Drawbacks to be under the Management of the Commissioners of Excise.

ment of the said Commissioners, and shall be charged, raised, levied, sued for, granted, and paid under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

Soap Makers to
make Entry of
their Premises
and Utensils.

III. And be it enacted, That every Maker of Soap shall, before beginning to make or manufacture any Soap, or to prepare any Materials for the making of Soap, make a true and particular Entry in Writing, signed by such Maker, of every Soap-house, Boiling-house, Warehouse, Storehouse, Shop, Room, or other Place intended to be made use of by him for the making, preparing, or keeping of Soap, or of any Materials for making the same, and of every Copper and Boiler, stating truly the Size of each such Copper and Boiler, and the Quantity of Soap it is capable of making, Half-boil Tub, Vat, Receiver, and other fixed Vessel to be used for the boiling, making, or preparing any Soap, or any Materials for the same, and of every Frame to be made use of by him for cleansing Hard Soap into, specifying of what Material such Frame is made, and the Length and Breadth thereof, by delivering such Entry to the Officer of Excise in whose Survey his Soap-house or Premises shall be situated; and in every such Entry every Soap-house, Boiling-house, Warehouse, Storehouse, Shop, Room, or other Place, and every Copper, Boiler, Half-boil Tub, Vat, Receiver, and other fixed Vessel, and every Frame for cleansing Hard Soap into, shall be distinguished by a particular Number or Letter, or Number and Letter or Letters; and in default thereof such Maker shall, for every unentered Soap-house, Boiling-house, Warehouse, Storehouse, Shop, Room, or Place, Copper, Boiler, Half-boil Tub, Vat, or other such Vessel or Frame, forfeit Two hundred Pounds; and every unentered Copper, Boiler, Half-boil Tub, Vat, Receiver, or other Vessel, and all Soap and all Materials found therein, and all Soap and Materials found in any unentered Soap-house, Boiling-house, Warehouse, Room, or Place, shall be forfeited.

Soap Makers to
mark and num-
ber their Pre-
mises and
Utensils.

IV. And be it enacted, That every Maker of Soap shall mark and number, and at all Times, on Demand in Writing of the Surveyor or Supervisor of Excise, legibly re-mark and re-number, every Soap-house, Boiling-house, Warehouse, Storehouse, Shop, Room, or other Place, and every Copper, Boiler, Half-boil Tub, Vat, and other Vessel, and every Frame made use of by him for making, cleansing, keeping, or preparing any Soap, or any Materials for the same, with distinguishing Numbers or Letters or Numbers and Letters corresponding to the Description thereof in the Entry; and every Soap-house, Boiling-house, Warehouse, Storehouse, Shop, Room, or other Place, Copper, Boiler, Half-boil Tub, Vat, or other Vessel or Frame made use of for the making, cleansing, keeping, or preparing any Soap, or any Materials for the same, which shall not be so marked or numbered, or which shall not correspond with the Description thereof in the Entry, shall be deemed and taken to be unentered.

V. And

V. And be it enacted, That it shall be lawful for every Officer of Excise at all Times to enter into any Soap-house, Boiling-house, Warehouse, Storehouse, Shop, or other Place made use of by any Maker of Soap for the making or keeping of any Soap, or for the keeping or preparing of any Materials for the same, and to remain therein, and to examine and inspect every such Soap-house, Boiling-house, Warehouse, Storehouse, Shop, or other Place, and all Coppers, Boilers, Tubs, Pans, and other Vessels and Utensils and Frames therein, and to examine and take an Account of all Soap from Time to Time made or making by any such Maker, and to take a Sample or Samples of any Soap made by such Maker, or of any Materials making into or being added to any Soap, paying for such Sample or Samples at the Rate of Sixpence *per* Pound; and every Soap Maker into and in whose Soap-house and Premises aforesaid any Officer of Excise shall, on his Request or Application, be prevented or hindered from entering or remaining, or examining or taking such Account, or taking any such Sample or Samples, shall forfeit Two hundred Pounds.

Power of
Officers to enter
Soap-houses.

VI. And be it enacted, That every Soap Maker who shall be thereto required by any Order or Directions of the Commissioners of Excise shall provide and place in his Soap-house, in a Situation near to his Coppers or Boilers, to be approved of by the Commissioners of Excise, One or more Shed or Sheds, or Watchbox or Watchboxes, with Glass Windows thereto, and Seats for the Accommodation of the Officers of Excise placed over his Soap-house or Premises; and every Maker of Soap who, on being required so to provide such Shed or Sheds or Watchbox or Watchboxes as aforesaid, shall refuse or neglect so to do, shall forfeit Two hundred Pounds for every Refusal or Neglect of every such Order or Directions.

Soap Makers,
if required, to
provide Sheds
or Watch-boxes
for the Accom-
modation of the
Officers.

VII. And be it enacted, That every Maker of Soap shall, at his own Expence, find, provide, and affix and maintain good and sufficient Covers to every Copper or Boiler wherein he shall boil or make any Soap, and to every Half-boil Tub or other Vessel in which any Foul Goods shall be allowed to remain for more than Six Hours; and every such Cover shall be made to fit closely and securely, so as to prevent, when shut down and closed, any Access to or Removal of the Soap or Materials or Goods in such Copper or Boiler, Half-boil Tub or other Vessel, and shall not have any Hole, Opening, or Perforation therein, save and except small Holes not exceeding One Fourth of an Inch in Diameter in the Cover of the Copper or Boiler wherein the Soap shall be boiled or made, to allow the Escape of the Steam; and every Maker of Soap who shall refuse or neglect to provide or affix such good and sufficient Cover as aforesaid to any such Copper, Boiler, Half-boil Tub, or other Vessel, or who shall have any Hole or Perforation in such Cover, save and except as aforesaid, shall forfeit Two hundred Pounds, together with all the Goods or Materials which shall be found in any such Copper, Boiler, Half-boil Tub, or other Vessel.

Soap Makers to
provide Covers
to their Coppers
and Half-boil
Tubs.

Soap Makers
to provide pro-
per Fastenings
for securing the
Covers of their
Coppers and
the Covers of
Tubs and
Vessels.

Coppers, &c.
to be kept
locked.

Coppers not to
have any Pipes
or Cocks or
Openings in
them.

For allowing
Pipes for
boiling Soap by
Steam.

VIII. And be it enacted, That every Maker of Soap shall, at his own Expence, provide and affix and maintain good and sufficient Fastenings for fastening and securing the Cover of every Copper, Boiler, Half-boil Tub, or other Vessel for which a Cover is by this Act required to be provided, and proper Locks and Keys for locking and securing such Fastenings shall be provided by the respective Supervisors and Surveyors of Excise at the Expence of such Maker; and within Three Hours, if the Copper or Boiler shall be of a Size capable of making Ten Tons of Soap or more, and if of a less Size within Two Hours, after the Fire is drawn or the Steam turned off, the Cover of such Copper or Boiler, and the Cover of every Half-boil Tub or other Vessel containing any Foul Goods or Materials taken from or to be returned into any Copper or Boiler, shall be securely fastened, locked, and secured by the Officer of Excise; and every Copper or Boiler, Half-boil Tub, and other such Vessel as aforesaid, shall be at all Times kept securely fastened, locked, and secured by the Officer of Excise, except when such Copper or Boiler, Half-boil Tub, or other such Vessel, shall be at work or in use, or shall be opened for repairing the same, or for the Inspection of an Officer of Excise; and every Soap Maker who shall refuse or neglect to provide and affix such good and sufficient Fastenings as aforesaid, or who shall obstruct or hinder any Officer of Excise in locking and securing the same, shall forfeit Two hundred Pounds, together with all Soap or Materials found in any such Copper, Boiler, Half-boil Tub, or other Vessel to which such Fastenings shall not be affixed.

IX. And be it enacted, That no Maker of Soap shall have or keep any Pipe or other Conveyance to or from any Copper or Boiler made use of by him in the boiling or making of Soap, nor shall have any Cock or Perforation or Hole in the Side or Curb or Bottom of any such Copper or Boiler, nor shall have any Part of the Curb moveable, nor shall use any Syphon, Crane, or Trinket, but shall take out all Lees, Soap, and other Ingredients contained in such Copper or Boiler by a moveable Pump and open Shute, or by Pails or Ladles only, on pain of every Maker acting contrary hereto forfeiting Two hundred Pounds.

X. Provided always, and be it enacted, That nothing hereinbefore contained shall extend to prevent any Maker of Soap from having a Pipe entering into and Coils of Pipe fixed in his Copper or Boiler, for the Purpose of conveying Steam into such Copper or Boiler, and thereby boiling or making his Soap, so that the same be one continuous Pipe leading from the Boiler or Steam Main, by which the Steam shall be supplied directly into the Soap Copper or Boiler, and being externally visible throughout its Course, and not having any Opening or Outlet for the Steam into the Soap Copper or Boiler, but by Perforations, not exceeding One Eighth of an Inch in Size, pierced in some Part of that Portion of the Pipe, or Coils of Pipe, which shall be placed within the Soap Copper or Boiler.

XI. And

XI. And be it enacted, That whenever any Maker of Soap shall be desirous of having the Cover of his Copper or Boiler, or of any Half-boil Tub or other Vessel, the Cover of which shall be locked and secured, opened for the Purpose of boiling Soap, or preparing the Materials for the same, such Maker shall give to the proper Officer of Excise, if delivered between the Hours of Six of the Clock in the Morning and Six of the Clock in the Evening Six, and if delivered at any other Time Twelve Hours Notice thereof in Writing, specifying in such Notice the particular Copper or Boiler, Half-boil Tub, or Vessel required to be opened; and the Officer of Excise shall, at the Time specified in such Notice, attend and unlock the Fastenings of the Cover of the Copper, Boiler, Half-boil Tub, or other Vessel, and allow the same to be opened for the Purpose aforesaid; and if such Maker shall not, within Three Hours after such Fastenings being unlocked, light the Fire under or turn the Steam on the Copper or Boiler, or remove the Goods from the Half-boil Tub or other Vessel, such Officer shall, at the Expiration of such Time, replace and re-lock and secure the Fastenings on the Covers on the said Copper or Boiler, Half-boil Tub, or other Vessel, and the same shall not again be opened without another and like Notice being subsequently delivered.

When Soap Maker is desirous of having the Cover of his Copper, &c. opened to make Soap he shall give Notice to the Officer who shall attend.

XII. And be it enacted, That it shall be lawful for any Officer of Excise surveying any Soap-house at any Time to unlock the Fastenings of any Copper or Boiler, Half-boil Tub, or other Vessel, and to require the Cover thereof to be opened for the Purpose of his examining whether any Soap or Materials are in such Copper or Boiler, Half-boil Tub, or other Vessel, and to inspect and examine any Soap or Materials which may be therein; and every Maker of Soap, who, on being required by any such Officer so to do, shall refuse to open the Cover of any Copper or Boiler, Half-boil Tub, or other Vessel, or again to close the same, shall forfeit One hundred Pounds.

Officers of Excise may at any Time unlock the Copper, &c. and require it to be open for Inspection.

XIII. And be it enacted, That when any Maker of Soap shall be desirous of having any Copper or Boiler, Half-boil Tub, or other Vessel opened for the Purpose of the same being repaired, such Maker shall give to the proper Officer of Excise, if delivered between the Hours of Six of the Clock in the Morning and Six of the Clock in the Evening Six, and if delivered at any other Time Twelve Hours Notice thereof in Writing, specifying in such Notice the particular Copper or Boiler, Half-boil Tub, or Vessel requiring Repair; and thereupon the Officer of Excise shall attend at the Time specified in such Notice, and shall unlock and open the Fastenings of the Cover of such Copper or Boiler, Half-boil Tub, or other Vessel; and such Maker shall in the Presence of the Officer forthwith cause all the Soap, Materials, or Goods, if any, which shall be in such Copper or Boiler, Half-boil Tub, or other Vessel, to be removed and turned over into some other Copper or Boiler, Half-boil Tub, or other Vessel, which shall be immediately fastened, locked, and secured by the Officer, unless it shall be a

Notice for Repairs.

Copper then boiling; and as soon as the Repairs required shall be completed the Maker of Soap shall give Notice thereof in Writing to the Officer of Excise, who shall thereupon attend, and fasten, lock, and secure the Cover of the Copper or Boiler, Half-boil Tub, or other Vessel so repaired, unless such Maker shall have given such Notice as herein-before required for having the Cover of the Copper, Half-boil Tub, or other Vessel opened to boil Soap or Materials; and all Soap, Goods, and Materials which shall be found in any such Copper or Boiler, Half-boil Tub, or other Vessel, before such Notice of the Repairs being completed shall have been given, shall be forfeited; and if any Soap, Materials, or Goods which may be in any Copper or Boiler, Half-boil Tub, or other Vessel, shall not be begun to be removed and turned over within Two Hours after such Copper or Boiler, Half-boil Tub, or other Vessel shall be opened under such Notice first as aforesaid, such Notice shall be void, and the Officer of Excise shall require the Cover thereof to be reclosed, and shall replace the Fastening, and re-lock and secure the same, and shall not again unlock or open the same for the Purpose of Repair until another and like Notice shall have been subsequently given.

Notice to be given of the Removal of Goods from one Copper to another.

XIV. And be it enacted, That whenever any Maker of Soap shall be desirous of removing any Materials making into Soap or Foul Goods from any Copper or Boiler in which the same may be contained into any other Copper or Boiler, such Maker shall give Notice in Writing of such his Intention to the Officer of Excise, if delivered between the Hours of Six of the Clock in the Morning and Six of the Clock in the Evening Six, and if at any other Time Twelve Hours, before such intended Removal, specifying in such Notice the particular Copper or Boiler, or Coppers or Boilers, in which such Materials or Foul Goods shall then be contained, and the particular Copper or Boiler or Coppers or Boilers into which the same are to be removed, and the particular Day and Hour when such Removal is to take place; and such Notice having been delivered, the proper Officer of Excise shall attend at the Time mentioned therein, and shall see such Materials or Foul Goods removed in his Presence from the one Copper or Boiler into the other accordingly; and every Maker of Soap who shall remove any Materials or Foul Goods from any Copper or Boiler in which the same may be into any other Copper or Boiler, without having given such Notice, shall forfeit One hundred Pounds; and if any Maker of Soap, having given such Notice, shall not within One Hour after the Time specified therein, or the Attendance of the Officer in consequence, begin to remove such Materials or Foul Goods, such Notice shall be null and void, and another like Notice shall be subsequently given: Provided always, that if the proper Officer of Excise shall be on Survey or be present in the Soap-house so as then to attend and see such Removal, One Hour's previous Notice in Writing to such Officer of such intended Removal shall be sufficient.

Officer to attend, and the Removal to take place in his Presence.

In case of Accident Goods may be immediately removed.

XV. Provided always, and be it enacted, That in case in the making of any Soap any Copper or Boiler containing Soap, or Materials

Materials making into Soap, or Foul Goods, shall burst, or by Accident become damaged or injured, so as to render necessary the Removal of such Soap or Materials or Foul Goods into some other Copper or Boiler, Half-boil Tub, or other Vessel, it shall be lawful for the Maker of Soap in whose Premises such Accident shall happen, on giving immediate Notice to the Officer of Excise thereof, to remove all the Soap or Materials or Foul Goods from and out of the Copper or Boiler which shall have so burst or become damaged or injured, if the same shall then be open, into any other Copper or Boiler, Half-boil Tub, or Vessel in the Soap-house of such Maker; and the Officer of Excise to whom such Notice shall be delivered shall forthwith attend and unlock the Fastenings, if such Copper or Boiler shall be locked and secured, and see such Soap or Materials or Goods removed in his Presence, or if removed before his Attendance shall see the Copper, or Boiler, Half-boil Tub, or Vessel into which the same shall have been removed, and shall forthwith lock and secure the Fastenings thereof, unless the same shall be a Boiling Copper.

XVI. And be it enacted, That it shall be lawful for any Surveyor or Supervisor, or other superior Officer of Excise, if he shall at any Time suspect any Copper or Boiler to have any Hole or Opening therein, or to be so constructed in any Way as to allow of Soap being privately removed therefrom, to order and direct such Copper or Boiler, immediately after a Cleanse of Soap shall have been made therefrom, to be perfectly cleaned out, or so much of the Goods remaining therein to be taken out as he shall deem necessary to be removed therefrom, for the Purpose of enabling him to examine and search such Copper or Boiler; and if upon such Examination and Search any Hole or Opening shall be discovered therein, such Hole or Opening shall be deemed to have been wilfully made for the Purpose of privately conveying away Soap, and the Maker of Soap shall forfeit the Penalty for having a Hole or Opening in his Copper or Boiler, unless he shall prove the same to have been made by bursting or other Accident, and that he had given Notice thereof in Writing to the Officer of Excise on his next Survey after such Accident; and every Maker of Soap who shall refuse to clean out any Copper or Boiler, or to remove or take out any Goods therefrom, on being required so to do by any Supervisor or Surveyor, or other superior Officer of Excise, at any Time after a Cleanse of Soap shall have been taken from the same, shall forfeit Two hundred Pounds.

XVII. And be it enacted, That every Maker of Soap in whose Soap-house any Covers, Fastenings, Locks, or Keys shall be provided for securing any Copper or Boiler, or any Half-boil Tub, or other Vessel required to be secured under the Provisions of this Act, shall from Time to Time and at all Times, when required so to do by the Surveyor or Supervisor or other superior Officer of Excise, immediately alter, repair, and amend such Covers and Fastenings respectively, and the Surveyor or Supervisor of the District may, at all Times, as to him

Surveyor or Supervisor may direct a Copper to be cleaned out for Examination at any Time after a Cleanse.

Covers, Fastenings, Locks, and Keys to be altered and repaired when required at the Expence of the Soap Maker.

him may seem necessary, change and remove any Locks or Keys, and replace the same with other Locks and Keys; and every Maker of Soap who shall refuse or neglect to pay for any Lock or Key at any Time provided by the Surveyor or Supervisor of Excise for locking or securing any Copper or Boiler, or any Half-boil Tub, or other Vessel required by the Provisions of this Act to be fastened, locked, and secured, either when first supplied or on any Change of such Lock or Key, or who shall, for the Space of Three Days after being required so to do by any Notice in Writing from the Surveyor or Supervisor of the District, neglect or refuse to alter, amend, or repair any Cover or Fastenings as aforesaid, shall forfeit One hundred Pounds.

Penalty on
gaining Access
to Coppers so
secured or
damaging
Fastenings.

XVIII. And be it enacted, That if any Maker of Soap shall, by any false or duplicate Key, or by any Means, Art, or Contrivance whatsoever, open any Lock or Fastening, or open or gain Access to any Copper or Boiler, or to any Half-boil Tub, or other Vessel, after the same shall have been fastened, locked, and secured by the Officer of Excise, before the same shall be again unlocked and opened by the Officer of Excise under such Notice and at the Times prescribed by this Act, or shall wilfully break, damage, or injure any Cover or other Fastening, Lock, or Key, or any Seal or Label for securing any Lock or Fastening provided or affixed by any Officer of Excise, or shall provide, affix, or make use of, or procure to be provided, affixed, or made use of, any false or deceptive Cover or Fastening, or use any Art, Means, or Device whereby the Securities intended by this Act shall in any Manner be defeated, such Maker of Soap shall in any such Case forfeit Three hundred Pounds.

Notice for
cleansing Soap.

XIX. And be it enacted, That every Maker of Soap shall, before beginning to cleanse or take any Soap from or out of the Copper or Boiler in which the same shall have been boiled and made, give to the Officer of Excise Six Hours Notice in Writing of the particular Day and Hour when such Maker intends to cleanse or take such Soap out of the Copper or Boiler, and the particular Copper or Boiler from which the Soap is to be cleansed or taken; and at the Time specified in such Notice the Officer of Excise shall attend in pursuance thereof; and as soon as the Maker of Soap shall be ready to begin to cleanse, and shall require him so to do, such Officer shall unlock the Fastenings of the Copper or Boiler, and allow the same to be opened; and if such Maker shall not, within Three Hours after the Officer shall attend, require him to unlock the Fastenings, or shall not begin to cleanse and take the Soap out of the Copper or Boiler within One Hour after the Fastenings thereof shall be unlocked, such Notice shall be null and void; and the Copper or Boiler, if opened, shall be again closed and fastened, locked and secured, and shall not be again opened, except on another and like Notice being subsequently delivered; and every Maker of Soap who shall begin to cleanse or take any Soap out of any Copper or Boiler without having given such Notice as aforesaid shall forfeit Two hundred Pounds, and all the Soap cleansed or taken out.

XX. And

XX. And be it enacted, That no Maker of Soap shall cleanse or take any Soap from or out of any Copper or Boiler between the Hours of Seven of the Clock in the Evening from the Thirtieth Day of *September* to the First Day of *April*, and Eight of the Clock in the Evening from the Thirty-first Day of *March* to the First Day of *October*, and Six of the Clock on the following Morning, and every Notice which shall be given for cleansing any Soap within the said Hours shall be null and void.

No Soap to be cleansed but between certain Hours.

XXI. And be it enacted, That no Frame for cleansing or putting Hard Soap, whether perfect or imperfect, into, when taken out of the Copper or Boiler wherein the same shall have been boiled or made, shall be made use of by any Maker of Soap, except such Frames only as shall be specified and described in the Entry of such Maker, and be regularly numbered and marked, and all such Frames shall be made and constructed in manner following; (that is to say,) every such Frame shall be made of Wood or of Iron or Slate, and of no other Material, except by Permission of the Commissioners of Excise, and shall be of a rectangular Shape, Forty-five Inches in Length and Fifteen Inches in Breadth; and if such Frame shall be made of Wood, the Bottom, Sides, and Ends thereof shall respectively be of the Thickness of Two Inches at the least; and the Sides and Ends of each and every of the Lifts thereof shall be permanently mortised and nailed, or permanently dovetailed and nailed together; and if such Frame shall be of Iron or Slate, the Bottom, Sides, and Ends thereof shall respectively be of such Thickness as to prevent the same from giving or yielding to the Weight or Pressure of the Soap cleansed into the same; and if any Soap shall be cleansed into any Vessel or Utensil, or into any Frame other than as herein-before directed, or if any Frame of a Size or Construction other than herein-before prescribed, shall be found on the Premises or in the Possession of any Maker of Soap, except as hereafter provided, every such Vessel and Utensil and Frame, and all Soap therein, shall be forfeited, and the Maker of Soap so offending shall forfeit Two hundred Pounds: Provided always, that it shall be lawful for any Maker of Soap to make use of any Frame used by him before the passing of this Act, although such Frame may not be of the Length or Breadth herein-before prescribed, so that such Frame be not less than Forty-four Inches in Length by Fourteen Inches in Breadth, and be in other respects constructed in conformity with the Directions of this Act.

Description of Frames to be made use of in cleansing Hard Soap.

XXII. And be it enacted, That no Frame shall be made use of by any Maker of Soap for cleansing any Hard Soap into until the same shall have been produced to the Officer of Excise, and until such Officer shall have ascertained the Dimensions thereof, and marked such Frame; and every Maker of Soap who shall make use of any Frame before the Dimensions thereof shall have been so ascertained, or who shall alter the Dimensions thereof after the same shall have been ascertained,

No Frame to be made use of until the Dimensions have been ascertained by the Officer, and not afterwards to be altered.

shall forfeit One hundred Pounds, together with such Frame, and all Soap contained therein.

No intermediate Vessel to be allowed except Pails or a Pan capable of containing an entire Frame.

XXIII. And be it enacted, That all Hard Soap shall be cleansed from the Copper or Boiler in which the same shall have been boiled or made directly into the Frame or Frames in which the same is to be gauged and taken account of by the Officer as after mentioned, without being put into any intermediate Frame, Pan, Vessel, or Utensil, save and except the Utensils for conveying the same from the Copper or Boiler to the Frame, or into a Pan or Vessel of Capacity sufficient to fill the whole of a Frame, and which shall be filled to the full Amount required to fill a Frame, and from which the Soap shall be moved to the Frame by the ordinary Utensils, and of which Pans or Vessels no more than Two shall be in use at the same Time on any Cleanse of Hard Soap; and all Hard Soap which shall be put into any intermediate Pan, Vessel, or Utensil, save and except as aforesaid, shall be forfeited.

Hard Soap to be cleansed at not less than the Depth of Forty-five Inches in the Frame.

XXIV. And be it enacted, That every Maker of Soap shall, in cleansing his Hard Soap, fill each Frame with Soap to the Height or Depth of Forty-five Inches at the least from the Bottom of such Frame, save and except the last Frame, where a sufficient Quantity of Soap for the Purpose shall not remain after filling all the other Frames to the said Height of Forty-five Inches, and every Maker of Soap who shall cleanse his Hard Soap into any Frame, except the last as aforesaid, in any less Quantity than as aforesaid, shall forfeit Fifty Pounds.

Times within which Hard Soap must be cleansed.

XXV. And be it enacted, That every Maker of Soap who shall begin to cleanse or take any Hard Soap out of any Copper or Boiler shall and he is hereby required to cleanse and put the whole thereof into the Frames within the Times herein-after mentioned, according to the Quantity cleansed or taken out; (that is to say,) if the Quantity of Soap boiled and made in any Copper or Boiler, and cleansed and taken out of the same, shall not exceed Three Tons in Weight by the Gauge thereof, the whole of such Soap shall be cleansed and put into the Frame or Frames within the Space of Two Hours from beginning to take the same out of the Copper or Boiler; if the Quantity shall exceed Three Tons, and not exceed Six Tons, Three Hours; and if the Quantity shall exceed Six Tons, then within Twenty Minutes for each additional Ton cleansed; and every Maker of Soap who, having commenced to cleanse or take any Hard Soap out of any Copper or Boiler, shall not cleanse and put the whole thereof into a Frame or Frames within such Time as aforesaid, shall forfeit Fifty Pounds.

When after a Cleanse any Foul Goods shall be left in the Copper the Soap Maker to return all the Fob and Skimmings, and add fresh Materials.

XXVI. And be it enacted, That when after any Cleanse of Hard Soap any Residue of Materials shall be left in the Copper or Boiler the Maker of Soap shall, as soon as the Cleanse of the Soap into the Frames shall be finished, or within One Hour thereafter, return and put into such Copper or Boiler all the Fob and Skimmings which shall have been taken out of the same, and also all the Soap which before the gauging thereof may have run out of any Frame into which the same shall

shall have been cleansed, and shall add fresh Tallow, Grease, or Oil, in the Proportion of One Hundred Weight of Tallow, Grease, or Oil for every Ton of Soap which such Copper or Boiler shall be stated in the Entry of the Maker to be capable of making, and shall immediately re-melt such Tallow, Grease, or Oil in the Presence of the proper Officer of Excise, or shall add thereto, in the Presence of the Officer, hot Lees or other Goods from a Boiling Copper sufficient to make such Residue unfit for framing as Soap, on pain of forfeiting for every Refusal or Neglect so to do One hundred Pounds: *Provido* always, that no Maker of Soap shall incur the said Penalty in any Case where the Residue left in such Copper or Boiler shall be turned over in the Presence of the Officer of Excise into another Boiling Copper or Boiler, or where the Surveyor or Supervisor or other superior Officer of Excise shall require the Copper or Boiler to be cleaned out, or any Part of the Goods to be removed therefrom for Examination.

XXVII. And be it enacted, That all Hard Soap shall for the charging the Duty thereon be taken account of and the Quantity thereof ascertained by the Officer of Excise by Gauge whilst the same is in the Frame or Frames, after being cleansed and before being cut up and removed from the Frame or Frames; and for the Purpose of taking such Account it shall be lawful for the Officer of Excise to take a Gauge of all such Hard Soap immediately on the same being cleansed or put into the Frame, and from Time to Time to repeat such Gauge until the Soap shall be cut up and removed from the Frames; and the greatest Quantity of Soap found or ascertained on any such Gauge shall be the Quantity of Soap to be charged with Duty.

All Hard Soap to be charged with Duty by Gauge.

XXVIII. 'And whereas under the Laws hitherto in force the Officers of Excise have been in the Practice of ascertaining the Quantity of Hard Soap to be charged with Duty by gauging the same in the Frames on a Calculation that Twenty-eight Cubic Inches of such Soap when hot, and Twenty-seven Cubic Inches and Fourteen Hundred Parts of a Cubic Inch of such Soap when cold, were equal to or would weigh One Pound Avoirdupois: And whereas the Correctness of such Charge having been disputed, and Doubts raised, Experiments have been made by Persons of Science on the specific Gravities of various Samples of Hard Soap taken on the Premises of various Makers of Soap in *Great Britain*, and by the Result of such Experiments it has been ascertained that as an Average on all Hard Soap made by the ordinary Processes from the usual and ordinary Materials of Tallow, Kitchen-stuff, Oil, or other Animal, Fish, or Vegetable Fat, Tallow, or other Grease, or Oil, Rosin, and Alkali, or any Mixture thereof, the said Calculation hitherto adopted is a fair and just one.' Be it therefore enacted, That, for the Purpose of calculating the Number of Pounds Weight by Gauge for the Charge of Duty, Twenty-eight Cubic Inches of Hard Soap when hot, and Twenty-seven Cubic Inches and Fourteen

In gauging Hard Soap made from the usual Materials 28 Cubic Inches when hot and 27.14 Cubic Inches when cold to be taken as a Pound Weight Avoirdupois.

Fourteen Hundredth Parts of a Cubic Inch of such Soap when cold, shall be deemed and taken to be a Pound Weight Avoirdupois of all Hard Soap of whatever Description, made from the usual and ordinary Materials of Tallow, Kitchen-stuff, Oil, or other Animal, Fish, or Vegetable Fat, Tallow, or Grease, or Oil, Rosin, and Alkali, or any Mixture thereof; and every Maker of Hard Soap shall be charged with Duty on the Quantity so ascertained of all Hard Soap made by him accordingly.

Allowance of
Mottled Soap.

XXIX. Provided always, That whereas Mottled Soap is cleansed into the Frame with the greater Proportion of the Lees therein which are thereby included in the Bulk of Soap when gauged, but which subsequently subside, and are separated from the Soap with Portions of waste Soap; be it enacted, That the Officers of Excise shall and they are hereby required, in charging the Duties on Hard Soap, to allow to the respective Makers of Mottled Soap, in their Returns or Accounts of the respective Quantities of Hard Soap made by such respective Makers, One Pound in every Ten Pounds of Mottled Soap which such Officers shall charge upon the respective Makers thereof.

What Soap shall
not be deemed
Mottled Soap
and not entitled
to the Allow-
ance.

XXX. Provided always, and be it enacted, That no Soap shall be deemed or allowed to be Mottled Soap, and entitled to the said Allowance of One Pound in every Ten Pounds hereby given, which shall be made of or have added to it any other than the usual and ordinary Materials, or which shall have remained in the Copper more than Six Hours after the same shall have ceased to boil, and before being begun to be cleansed, or which shall not be cleansed into the Frame within Six Hours after the Delivery of the Declaration herein-after required to be given, or which during the Cleanse, or when cleansed, shall be crutched, or have any Liquor or Matter added thereto, or which shall not, before being cut up, deposit Lees, and be in all respects such Soap as was commonly known as Mottled Soap before the passing of this Act.

When Soap is
made in a
High-pressure
Boiler, and not
fitted, 26·76
Cubic Inches
when hot and
25·91 Cubic
Inches when
cold to be a
Pound.

XXXI. And be it enacted, That when any Maker of Soap shall boil or make his Hard Soap from the usual and ordinary Materials only in a High-pressure Boiler, and shall cleanse the Soap so made without fitting or finishing the same in any other Copper or Boiler, Twenty-six Cubic Inches and Seventy-six Hundredth Parts of a Cubic Inch of such Soap when hot, and Twenty-five Cubic Inches and Ninety-one Hundredth Parts of a Cubic Inch when cold, shall, in gauging such Soap, be deemed and taken to be a Pound of Soap, and the Maker thereof shall be charged with Duty accordingly.

When other
than the usual
Materials are
used, 24·04
Cubic Inches
when hot and
23·30 Cubic
Inches when
cold to be a
Pound.

XXXII. And be it enacted, That in all Cases where any Maker of Soap shall add to his Hard Soap of any Description, or manufacture the same with, any silicious or earthy Matter, or any other Substance or Matter other than the usual and ordinary Materials commonly used in the Manufacture of Hard Soap, Twenty-four Cubic Inches and Four Hundredth Parts of a Cubic Inch of such Soap when hot, and Twenty-three Cubic

Cubic Inches and Thirty Hundredth Parts of a Cubic Inch when cold, shall, in gauging such Soap, be deemed and taken to be a Pound Weight Avoirdupois, and the Maker thereof shall be charged with Duty accordingly.

XXXIII. And be it enacted, That every Maker of Soap shall, either at the Time of giving his Notice to cleanse or before the Time of cleansing any Hard Soap, deliver to the Officer of Excise a Declaration in Writing, in such Form as the Commissioners of Excise shall direct, specifying whether the Soap to be cleansed is Soap made from the ordinary Materials only, and if made from the ordinary Materials whether the same is Mottled Soap or not, or whether the same is Soap made with or to which has been or is to be added any silicious or earthy or other Matter than the ordinary Materials; and every Maker of Soap who shall make any false or untrue Declaration in such respect shall forfeit One hundred Pounds; and all Hard Soap, in respect of which such Declaration shall not be delivered, shall be deemed and taken to be Soap made with or to which has been added silicious or earthy Matter, and shall be charged with Duty accordingly.

Soap Maker to deliver a Declaration whether the Soap to be cleansed is made from ordinary Materials or has had any earthy Matter added to it.

XXXIV. And be it enacted, That it shall be lawful for any Officer of Excise, who shall be present when any Hard Soap shall be cutting up, to take from each Frame thereof a Cake or Bar of the Soap contained therein, as a Sample or Samples of the Soap in such Frame or Frames, paying for the same when taken Sixpence *per* Pound; and if any Hard Soap shall be found, on Examination of the Sample thereof so taken, within Forty-eight Hours after the taking thereof, to be of a greater specific Gravity than the Gravity of 1.05, or if boiled or made in a High-pressure Boiler, and not fitted or finished in another Copper or Boiler, of a greater specific Gravity than 1.08, Water being taken as Unity at a Temperature of Sixty-two Degrees, such Soap shall be gauged, and taken account of, and charged with Duty as Soap made with or to which has been added silicious or earthy Matter; and if, upon Analysis thereof at any Time, such Sample of Soap shall be found to contain silicious or earthy or other Matter, and shall have been declared to be Soap made from ordinary Materials only, the Maker thereof shall forfeit the Penalty by this Act imposed for a false or untrue Declaration.

Officers to take Samples of Hard Soap when cutting up.

In case Samples do not agree with Declaration.

XXXV. And be it enacted, That every Maker of Soap who shall have cleansed any Hard Soap into any Frame or Frames to the Depth of Fifty Inches or under Fifty Inches shall cut or divide all such Soap into Bars, and remove the same and every Part thereof from the Frame or Frames within Six Days (*Sunday* exclusive) after the same shall have been cleansed, if such Frame or Frames shall be made of Wood, and within Four Days (*Sunday* exclusive) if such Frame or Frames shall be made of Iron or Slate; and when any such Maker shall have cleansed any Hard Soap into any Frame or Frames in any larger Quantity than to the Depth of Fifty Inches, such Maker shall cut or divide

Time within which Hard Soap is to be cut up and removed from the Frames.

divide such Soap into Bars, and remove the same and every Part thereof from the Frame or Frames, if such Frame or Frames shall be made of Wood within Seven Days (*Sunday* exclusive), and if such Frames shall be made of Iron or Slate then within Five Days (*Sunday* exclusive) after such Soap shall have been cleansed, on pain of forfeiting the Sum of Fifty Pounds for every Omission or Neglect.

Scraps and Parings to be returned into the Copper.

XXXVI. And be it enacted, That immediately after any Soap shall be cut up and removed from the Frame, all the Scraps and Parings and Pieces of Soap, not being Bars or Part of a Bar, shall be returned into a Boiling Copper; and every Maker of Soap who shall refuse to return any such Scraps or Parings or Pieces into the Copper, when required so to do by any Officer of Excise, shall forfeit Fifty Pounds, and all such Scraps, Parings, and Pieces.

Hard Soap not to be sold or sent out in any other Form than in Bars or Parts of Bars.

XXXVII. And be it enacted, That no Hard Soap shall be sold, sent out, or removed by any Maker of Soap in any other Form or Shape than in Bars, not exceeding Fifteen Inches in Length, except Bars packed for Removal to *Ireland* on Drawback, or in Parts of Bars of not less than One Pound Weight each Piece, except Cakes of Soap, moulded and stamped; and every Maker of Hard Soap who shall sell or send out or remove from his Soap-house any Scraps or Parings of Hard Soap, or any Hard Soap in any other Form or Shape than in such Bars or Parts of Bars, except as aforesaid, shall forfeit One hundred Pounds, and all such Scraps or Parings, and all Hard Soap in any other Form or Shape or of less Weight than as aforesaid, except as aforesaid, which shall be sold, sent out, or removed by any Maker of Soap, or shall be found in Possession of any Person, shall be forfeited.

Soft Soap to be cleansed only into Barrels, Half Barrels, Firkins, or Half Firkins of a certain Size.

XXXVIII. And be it enacted, That no Soft Soap shall be cleansed from the Copper or Boiler in which the same shall be boiled or made into any other Cask, Tub, Vessel, or Utensil whatsoever, than Barrels or Half Barrels, Firkins or Half Firkins, of the respective Sizes following; (that is to say,) every Barrel shall when filled contain Two hundred and fifty-six Pounds of Soft Soap, every Half Barrel One hundred and twenty-eight Pounds, every Firkin Sixty-four Pounds, and every Half Firkin Thirty-two Pounds Avoirdupois Weight, besides the Weight or Tare of the Cask; and every Maker of Soap who shall cleanse any Soft Soap into any Barrel, Half Barrel, Firkin, or Half Firkin of any other Size than as aforesaid, or into any other Cask, Tub, Vessel, or Utensil, shall forfeit Two hundred Pounds, and all the Soft Soap which shall be so cleansed shall be forfeited.

At the Time of cleansing Soft Soap the Soap Maker to produce all the Barrels, &c. with the Weight properly marked.

XXXIX. And be it enacted, That at the Time specified in the Notice for cleansing any Soft Soap the Maker of such Soap shall produce to the Officer of Excise all the Barrels, Half Barrels, Firkins, or Half Firkins, into which such Soap is to be cleansed, with the Weight or Tare of each such Barrel, Half Barrel, Firkin, or Half Firkin truly and legibly marked in Ink or

or Paint, or cut or branded thereon; and the Officer of Excise shall thereupon proceed to take an Account of such Barrels, Half Barrels, Firkins, and Half Firkins, by weighing the whole, or such of them as such Officer shall select; and every such Barrel, Half Barrel, Firkin, or Half Firkin, which shall be produced to any Officer of Excise without the Weight or Tare thereof being so legibly marked or cut or branded thereon, or having the Weight or Tare untruly marked thereon, shall be forfeited, and the Maker of Soap shall in respect thereof forfeit Five Pounds; and if any Maker of Soap shall, at any Time after any Barrel, Half Barrel, Firkin, or Half Firkin shall have been produced to any Officer of Excise, erase or alter the Weight or Tare marked or cut or branded thereon, such Maker shall forfeit Five Pounds, and also the Barrel, Half Barrel, Firkin, or Half Firkin, the Tare on which shall have been altered, together with all Soap contained therein.

XL. And be it enacted, That every Maker of Soap who shall begin to cleanse or take any Soft Soap out of any Copper or Boiler shall and he is hereby required to cleanse and take the whole of the Soap boiled or made in such Copper or Boiler from and out of the same, and to cleanse and put the whole thereof into the Barrels, Half Barrels, Firkins, or Half Firkins prepared to receive the same, within the Times herein-after mentioned, according to the Quantity cleansed or taken out; (that is to say,) if the Copper or Boiler shall contain less than Two thousand five hundred and sixty Pounds Weight of Soft Soap, the whole of such Soap shall be cleansed and put into the Barrels, Half Barrels, Firkins, or Half Firkins within One Hour from beginning to take the same out of the Copper or Boiler, if the Quantity shall be Two thousand five hundred and sixty Pounds Weight and less than Five thousand one hundred and twenty Pounds Weight, within Two Hours, if the Quantity shall be Five thousand one hundred and twenty Pounds Weight or more, within Three Hours; and every Maker of Soap who, having commenced to cleanse and take any Soft Soap out of any Copper or Boiler, shall not take the whole of such Soap out of such Copper or Boiler, and put the same into the Barrels, Half Barrels, Firkins, or Half Firkins, within such Time as aforesaid, shall forfeit Fifty Pounds.

Times within
which Soft
Soap must be
cleansed.

XLI. And be it enacted, That within Three Days (*Sunday* exclusive) after the Cleanse of any Soft Soap shall be completed and finished, the Officer of Excise shall weigh and take an Account of all such Soft Soap; and if upon such Weighing any Barrel, Half Barrel, Firkin, or Half Firkin of Soap shall be found to exceed the Weight by this Act prescribed as the Quantity which each Barrel, Half Barrel, Firkin, and Half Firkin shall contain, it shall be lawful to take such additional Weight from such Barrel, Half Barrel, Firkin, or Half Firkin, and to add the same to any Barrel, Half Barrel, Firkin, or Half Firkin which shall be found to weigh less than the Weight herein-before prescribed, so that the Weight of each respectively

Soft Soap to be
weighed for the
Charge of Duty.

tively shall be the proper Weight herein-before directed, at which Weights all Soft Soap shall be charged with Duty; and if upon any Weighing any Quantity of Soft Soap shall remain less than a Half Firkin, the same shall not then be charged with Duty, but shall be weighed and taken account of by the Officer of Excise, and shall be put by to be brought forward and filled up and charged on the next Cleanse and Weighing of Soft Soap; and every Maker of Soap who shall remove, deliver, or send away any Soft Soap before the same shall have been weighed and taken account of by the Officer of Excise, or in any other Cask, Vessel, or Utensil, or at any other Weight, than as by this Act prescribed, shall forfeit Two hundred Pounds, together with all such Soap.

Penalty on
Removal before
Weighing.

Surveyor or
Supervisor may
re-weigh Soft
Soap at any
Time.

XLII. And be it enacted, That it shall be lawful for any Surveyor or Supervisor or other superior Officer of Excise, at any Time, if he shall see fit, to re-weigh any Soft Soap in the Possession of any Maker of Soap; and if upon such Re-weighing any Barrel, Half Barrel, Firkin, or Half Firkin of Soft Soap shall be found to weigh more than the Weight herein-before prescribed respectively, such Barrel, Half Barrel, Firkin, or Half Firkin, with the Soap therein, shall be forfeited, and the Maker of Soap shall also in respect of the same forfeit Five Pounds.

Makers of Soft
Soap to provide
Scales and
Weights, and
permit the
Officers of
Excise to use
them, and shall
assist them.

XLIII. And be it enacted, That every Maker of Soap shall provide and keep just and sufficient Scales and Weights in his Soap-house, and shall also permit and suffer any Officer of Excise to use the same, and with his Workmen and Servants shall aid and assist, when required by any Officer of Excise, in weighing any Barrels, Half Barrels, Firkins, and Half Firkins, for ascertaining the true Weight or Tare thereof, and in weighing and re-weighing any Soft Soap which any Officer of Excise shall at any Time require to weigh or re-weigh, or in weighing any Materials, to ascertain the Proportion thereof to be added to the Copper after a Cleanse of Hard Soap, or in weighing any Soap which any Officer of Excise shall, on Suspicion, and in order to detect any Fraud, require to weigh; and every such Maker who shall refuse or neglect to keep such Scales or Weights, or either of them, or who shall not permit any Officer of Excise to use, or shall refuse to aid and assist such Officer when required so to do in using the same, shall forfeit One hundred Pounds; and every Maker of Soap who shall, in the weighing of any Barrel, Half Barrel, Firkin or Half Firkin, or in the weighing or re-weighing of any Soft Soap, provide or produce any false Scales or Weights, or who shall make use of, or procure or suffer to be made use of, any Force or Violence, or shall practise any Art, Device, or Contrivance, by which any Officer of Excise may be hindered or prevented or deceived in taking the true Account of the Weight of any Barrel, Half Barrel, Firkin, or Half Firkin, or of any Soft Soap therein, or in charging the true Amount of Duty on such Soap, shall forfeit Two hundred Pounds, together with all such false

false Scales and Weights, and every such Barrel, Half Barrel, Firkin, and Half Firkin, and all such Soap.

XLIV. And be it enacted, That every Officer of Excise under whose Survey any Maker of Soap shall be, or any other Officer who shall be appointed so to do, shall, at the Expiration of every Six Weeks, or at such other Times as the Commissioners of Excise shall direct, make out and deliver to the Commissioners of Excise an Account or Return in Writing of the Quantity of Soap, and whether Hard Soap or Soft Soap, made by such Maker, and for which he shall have become chargeable with Duty in such preceding Six Weeks or other Period, and of the Duty payable thereon, according to the Weight of such Soap, as ascertained in manner herein-before directed, and shall also leave a Copy of such Account or Return with such Maker of Soap; and the Account or Return of such Officer shall be a Charge on every such Maker of Soap, who shall pay and clear off the Duty appearing by such Account or Return to have been become due within Six Days after such Account or Return shall be made, or in default thereof shall forfeit Double the Amount of such Duty.

Officers of Excise to make periodical Returns of the Duty charged on each Soap Maker, who shall pay the Amount, or forfeit Double Duty.

XLV. And be it enacted, That every Maker of Soap who shall, after any Soap shall have been taken account of and charged with Duty, add to or mix with such Soap any other Soap, or any Water or Lees, or any Substance or other Matter by which the Weight thereof may be increased, shall forfeit One hundred Pounds, and all such Soap.

Soap Maker adding to Soap after being charged to forfeit 100*l.* and the Soap.

XLVI. And be it enacted, That every Maker of Soap who shall hide or conceal, or cause to be hidden or concealed, or shall remove or convey away, or deposit, or cause or suffer to be removed, conveyed away from, or deposited in any Place, any Soap, to evade the Duty chargeable thereon, or any Part of such Duty, shall, over and above every other Penalty to which he may by so doing become subject, forfeit Five hundred Pounds, and all such Soap shall also be forfeited.

Penalty on concealing Soap to evade the Duty.

XLVII. And be it enacted, That when any Maker of Soap shall be desirous of making any Experiment in the Manufacture of Soap, and shall make Application to the Commissioners of Excise for Permission so to do, without being charged with Duty on the Soap, in case of such Experiment not succeeding it shall be lawful for the said Commissioners, if they shall see fit, to grant such Permission under such Regulations as they may direct, and in such Case all the Soap which shall be so made shall be cleansed into a Frame or Frames, Barrels, Half Barrels, Firkins, or Half Firkins, (as the same may be Hard or Soft Soap,) separate and apart from, and shall be kept separate and apart from, all other Soap, and shall be duly taken account of by the Officers of Excise for the Charge of the Duty thereon; and such Maker of Soap shall, within Eight Days after such Soap shall have been cleansed, elect whether he will retain such Soap in its then manufactured State, and pay the Duty charged thereon, or whether he will return the same into the Copper or Boiler to be re-manufactured; and in case such Maker shall determine

For allowing Experiments in making Soap.

determine to re-manufacture such Soap he shall, within the Time aforesaid, give a Notice in Writing of such his Intention to the Officer of Excise, specifying in such Notice the particular Copper or Boiler into which and the Day and Hour when such Soap is to be returned, and the Supervisor or Surveyor of Excise shall thereupon attend and weigh all such Soap, and see the same returned into the Copper or Boiler specified in the Notice, and shall certify the same to the Commissioners of Excise, and thereupon the said Commissioners may remit the Duty charged on such Soap.

For allowing the Use of new or improved Coppers or Frames, although not made in conformity with the Act.

XLVIII. And be it enacted, That it shall be lawful for the Commissioners of Excise, if they shall see fit, upon the Application of any Maker of Soap, to allow and permit, under such Conditions, Rules, and Regulations as they shall prescribe, any new or improved Copper or Boiler, or other Vessel, or any Frame or other Utensil to be made use of in the boiling or making or cleansing of Soap, although such Copper or Boiler, or other Vessel or Frame, or Utensil, may not be in Construction or otherwise in conformity with the Enactments of this Act: Provided always, that every such Copper, Boiler, or other Vessel or Frame, or Utensil, in respect of which such Permission shall be granted, shall be duly entered with the Officers of Excise, and a Description thereof given; and all Fastenings which may be required to be affixed thereto shall be deemed and taken to be Fastenings provided under this Act; and if any Maker of Soap to whom any such Permission shall be granted shall neglect or refuse to obey, or shall not observe any of the Conditions, Rules, or Regulations under which such Permission shall be granted, such Maker shall forfeit Two hundred Pounds, and the Permission so granted shall, if the Commissioners of Excise shall see fit, be withdrawn, and from thenceforth the Copper, Boiler, Vessel, or Frame, or other Utensil in respect of which the same was granted, shall be deemed to be unentered, and shall be liable to Seizure and Forfeiture accordingly.

Soap Makers not to work on Sunday.

XLIX. And be it enacted, That every Officer of Excise under whose Survey any Maker of Soap shall be shall and he is hereby required to cause every Copper or Boiler in the Soap-house of such Maker, and every Half-boil Tub and other Vessel to which Fastenings are byt his Act directed to be affixed, which shall contain any Goods, to be locked, secured, and fastened at or before the Hour of Eleven of the Clock on every *Saturday* Night, and shall not open the same from thence until the Hour of Four of the Clock on the *Monday* Morning following (save and except as to any Copper or Boiler in respect of which the Maker of Soap shall, at or before the Hour of Eight of the Clock on the *Saturday* Morning, give Notice in Writing to the proper Officer of Excise that he requires such Copper or Boiler to be left open, for the Purpose of the boiling of the same being continued); and if any Copper or Boiler, Half-boil Tub, or Vessel, hereby required to be locked and secured, shall be opened, unlocked, or unfastened, (except when the same is under repair, or on such Notice having been given

as to any Copper or Boiler,) or if any Materials for making Soap or any Lees or Ley shall be put in or taken out of any Copper or Boiler, or any Soap shall be cleansed or cut up, in the Soap-house of any Maker of Soap, between the said Hours of Eleven of the Clock on *Saturday* Night and Four of the Clock on the *Monday* Morning following, such Maker shall, over and above all other Penalties to which he may thereby become liable, forfeit One hundred Pounds; and every Notice given by any Maker of Soap for doing any Act, Matter, or Thing between the said Hours shall be null and void.

L. And be it enacted, That in every Case where any Officer of Excise shall suspect any Pipe or private Conveyance to be made use of by any Maker of Soap it shall be lawful for such Officer, in the Presence of a Constable or Peace Officer on Request made and Cause declared, to break up the Ground in any Soap-house, or near adjoining thereto, or any Wall, Partition, or other Place, to search for such Pipe or private Conveyance, and on finding the same to break up the Ground, House, Wall, Partition, or Place through which such Pipe may lead, and to break up or cut such Pipe or Conveyance, and seize the same; and if no such Pipe or Conveyance shall be found, such Officer shall restore and make good the Ground, Wall, House, or Place so broken up, or make reasonable Satisfaction to the Owner of such Ground, House, Wall, or Partition; and every Person who shall obstruct or hinder any Officer of Excise in so searching for, following, or cutting, breaking up, or seizing any such Pipe or private Conveyance shall forfeit Two hundred Pounds.

Officers of
Excise may
break up
Ground to
search for pri-
vate Pipes and
Conveyances.

LI. And be it enacted, That every Person who shall make or manufacture any Soap, or who shall melt any Soap, adding thereto any Tallow, Grease, Oil, or Rosin, or any Alkali or Alkaline Lees or Ley, or any Water or other Matter whatsoever, shall be deemed and taken to be a Maker of Soap, and shall be subject as such to the Enactments, Provisions, and Regulations, Fines, Penalties, and Forfeitures of this Act: Provided always, that nothing herein contained shall extend to include or affect any Perfumer carrying on the Trade or Business of selling Perfumery, and preparing and converting Duty-paid Soap into the Soaps now known and sold as Perfumed or Fancy Soaps, so as such Perfumer shall not make use of any Copper or Coppers not exceeding Three, and not of a larger Size than to contain Five hundred Weight of Soap in the whole, except as to any Copper or Coppers erected and in use before the passing of this Act, and which may be allowed by the Commissioners of Excise to be continued in use until any Alteration thereof shall be made, and shall not in preparing the Soap use therewith any greater Portion of Water than shall be necessary to dissolve the same, and shall not add thereto any Grease, Oil, or Ley or Lees, or any other Matter, save and except the essential Oils and usual Ingredients for perfuming, scenting, and colouring Perfumed or Fancy Soap.

Who to be
deemed Soap
Makers.

Perfumer to
make Entry
with the Excise.

LII. And be it enacted, That every Perfumer who shall prepare, perfume, or scent any perfumed or scented Soaps shall make Entry in Writing of every Workhouse, Room, or Place, and of every Copper, Boiler, or Pan, made use of for keeping and for melting, scenting, or perfuming Soap, by delivering such Entry to the Officer of Excise within whose Survey his Premises shall be situated; and it shall be lawful for any Officer of Excise at all Times between the Hours of Six of the Clock in the Morning and Seven of the Clock in the Evening to enter into any Workhouse, Room, or Place entered or made use of by any such Perfumer, and to survey and examine the same, and all Soap, Materials, and other Things therein, and also to take and carry away any Sample or Samples of Soap, paying for the same, when taken, at the Rate of Sixpence *per* Pound; and every Perfumer who shall make use of any Workhouse, Room, or Place, Copper, Boiler, or Pan, for the Purpose aforesaid, without having made such Entry as aforesaid, shall forfeit One hundred Pounds, and all Soap found therein.

Makers of Candles and Melters of Tallow to make Entry of their Premises, &c. and not to have Alkaline Lees in their Possession.

LIII. And be it enacted, That every Maker of Candles from Tallow or Grease, and every Melter of Tallow, Fat, Kitchen-stuff, or other Grease, not being entered and licensed Makers of Soap, shall make Entry in Writing of every House, Workhouse, Room, and Place, and of every Copper, Boiler, or Pan made use of by such Maker or Melter respectively, for the keeping, melting, or rendering of any Tallow, Fat, Kitchen-stuff, or other Grease, by delivering such Entry to the Officer of Excise within whose Survey his Premises shall be situated; and it shall be lawful for any Officer of Excise to enter into every House, Workhouse, Room, and Place entered and made use of by any such Maker of Candles or Melter, for the melting, rendering, or keeping of Tallow, Fat, Kitchen-stuff, or other Grease, and to inspect and survey and examine all Tallow, Fat, Kitchen-stuff, and other Grease, melting or rendering, or melted or rendered, in the Possession of any such Maker or Melter, and to take any Sample thereof, or of any Part thereof, not exceeding One Pound for each Sample, paying for the same when taken at the Rate of Two-pence *per* Pound; and every Maker of Candles, or Melter of Tallow, Fat, Kitchen-stuff, or other Grease, not being an entered and licensed Maker of Soap, who shall make use of any House, Workhouse, Room, or Place, Copper, Boiler, or Pan, for melting or rendering of any Tallow, Fat, Kitchen-stuff, or other Grease, without having made such Entry as aforesaid, or who shall have in his Possession any Alkaline Lees or Ley, shall forfeit One hundred Pounds, and all such Lees and Ley found in the Possession of any such Maker or Melter, and all Tallow, Fat, Kitchen-stuff, or other Grease found in any unentered House, Workhouse, Room, or Place, shall be forfeited.

Lees fit for making Soap shall not be manufactured for Sale.

LIV. And be it enacted, That no Person shall make or manufacture for Sale or sell any Lees, Ley or Lye, fit or proper for the making or manufacture of Soap, on pain of forfeiting
Fifty

Fifty Pounds, together with all such Lees, Ley or Lye, and Materials for making the same, found in his Custody or Possession.

LV. And be it enacted, That the Proprietor or Consignee of any Soap removed from *Ireland* into *Great Britain* shall, on the Arrival of the Ship or Vessel at the Port or Place into which the same shall be brought, make due Entry with the Collector or other Officer of Excise appointed to receive the same at such Port or Place of all the Soap belonging or consigned to him on board of such Ship or Vessel, setting forth the Name of the Vessel, the Number and Description of Casks, Chests, Boxes, or Packages, in which such Soap shall be contained, and the Kind of Soap, and the Weight thereof, with the Amount of Duty payable thereon; and such Collector or other Officer shall thereupon examine and weigh, or cause to be examined and weighed, all such Soap, and shall charge the full Amount of Duty thereon, which Amount shall be forthwith paid by the Proprietor or Consignee of such Soap; and if within Twenty-four Hours after the Arrival of any Ship or Vessel in any Port or Place of *Great Britain*, unless a *Sunday*, or a Day kept as an Excise Holiday, shall intervene, due Entry of any Soap on board thereof brought from *Ireland* shall not be made, or if any such Soap shall be removed from the Quay, Wharf, or Place where landed before the full Duties thereon shall be fully paid, all such Soap shall be forfeited, and may be seized by any Officer of Excise or Customs; and every Person who shall remove or cause to be removed, or shall aid or assist or be concerned in removing, any such Soap, before the full Duties thereon shall be duly paid, shall forfeit Two hundred Pounds.

LVÍ. And be it enacted, That no Soap shall be removed or brought from *Ireland* into *Great Britain* otherwise than in a Cask, Chest, Box, or other Package containing not less than Two hundred and twenty-four Pounds Weight Avoirdupois of Hard Soap, or in Barrels, Half Barrels, Firkins, or Half Firkins of Soft Soap, and on which shall be plainly and legibly cut, marked, or branded, in large Letters, the Word "Soap;" and all Soap which shall be found on board any Ship or Vessel, not being Soap for the Use of the Crew of such Ship or Vessel in the Proportion not exceeding One Pound for each Seaman, or shall be found on shore removing or removed from *Ireland* into *Great Britain* in any less Quantity or otherwise than as aforesaid, or not so marked as aforesaid, shall be forfeited, and may be seized by any Officer of Excise or Customs; and every Person who shall remove or cause to be removed, or aid or assist or be concerned in removing, any such Soap, shall forfeit Two hundred Pounds.

LVII. And be it enacted, That every Person intending to remove to *Ireland* or to export any Soap as Merchandize, as to ship any Soap or Stores, and obtain the Drawback thereon, shall give Twelve Hours Notice of his Intention to pack the same for such Removal, Exportation, or Shipment to the Officer of Excise who shall be appointed by the Commissioners of Excise

Entry to be made with the Officers of Excise of all Soap brought from *Ireland* into *Great Britain*, and the Duty paid thereon.

Soap not to be brought from *Ireland* in Packages of less Size than 224lbs.

Persons intending to ship Soap on Drawback to give a Packing Notice.

Proceedings
thereupon.

for that Purpose, specifying in such Notice the Time when (such Time to be only between the Hours of Six of the Clock in the Morning and Five of the Clock in the Afternoon) and Place where such Soap is intended to be packed, and the Kind or Description of Soap, whether Hard or Soft Soap; and such Notice having been given, an Officer of Excise shall attend at the Time and Place specified, and all the Hard Soap intended to be so removed or exported, or shipped, shall be produced to him, and shall be weighed and packed in his Presence, and all Soft Soap intended to be so removed or exported, or shipped, shall be produced to the Officer in the original Barrels, Half Barrels, Firkins, or Half Firkins, with the Tare marked thereon, in which the same was taken account of and charged with Duty, and shall be weighed and examined by such Officer, who may, if he shall think fit, cause any One or more of such Barrels, Half Barrels, Firkins, or Half Firkins to be emptied out for the better Examination thereof; and all Packages containing any Kind of Soap, Hard or Soft, shall be secured with such Fastenings, and sealed with such Seals or Marks by such Officer in such Manner as the Commissioners of Excise shall direct; and every such Officer shall take an Account of the Kind and Quantities of all such Soap as shall be produced to him and weighed and packed in his Presence, and shall make a Return thereof to the Export Officer of Excise, or Officer acting as Export Officer at the Port of Shipment; and in weighing any Soap for such Removal, Exportation, or Shipment, the same shall be weighed to the nearest Quarter of a Pound on each Draught, any Fractions below a Quarter of a Pound being disregarded: Provided always, that if the Person giving such Packing Notice shall not begin and proceed to pack up all such Soap at the Time mentioned therein, or within Half an Hour after the Attendance of the Officer in pursuance thereof, such Notice shall be null and void, and a like Notice shall be subsequently delivered before the same or any Part thereof shall be packed.

Penalty for placing any heavy Substance with Soap packed for Exportation, or any other Soap than that produced to the Officer, or for using any Art to deceive the Officer, 200*l*.

LVIII. And be it enacted, That if any Person shall fraudulently put or place any heavy Substance or Matter other than Soap in any Package containing any Kind of Soap packing or packed, or taken account of for Removal to *Ireland*, or Exportation or Shipment as Stores, or shall pack in any Package any other Soap, or any Substance or Article other than the Soap produced to the Officer as that to be removed, exported, or shipped, or shall by any Art, Device, or Contrivance prevent, hinder, or deceive any Officer of Excise from or in taking a true Account of the Kind and Weight of the Soap produced, such Person shall forfeit Two hundred Pounds, and every such Package, with the Contents thereof, shall be forfeited.

Penalty for opening Package after being packed, or damaging Fastenings, &c.

LIX. And be it enacted, That every Person who, not being an Officer of Excise or Customs, shall open any Package containing any Soap which shall have been packed for Removal to *Ireland*, or Exportation, or to be shipped as Stores, or shall wilfully destroy or deface any Seal of the Officer placed thereon, or damage

damage any of the Fastenings thereof, and every Person who shall wilfully cut out, erase, obliterate, alter, or damage any Figure, Letter, or Mark cut, written, painted, branded, or made on any such Package, or the Number thereof, shall forfeit Two hundred Pounds, and every such Package, with the Contents thereof, shall be forfeited, and may be seized by any Officer of Excise or Customs: Provided always, that it may be lawful to open the Packages of Soap shipped as Stores after the Ship or Vessel shall have sailed on her Voyage.

LX. Provided always, and be it enacted, That if any Maker of Soap by whom any Soap shall have been packed for Removal to *Ireland* or for Exportation shall, before giving Notice for the shipping thereof, require to change the Destination thereof, and in consequence to alter the Direction or any of the Marks thereof, or not having exported such Soap shall require to use the same for Home Consumption, it shall be lawful for such Maker to give Notice thereof to the Officer of Excise who shall have packed such Soap, or to any other Officer of Excise authorized to pack Soap on his Premises, of such Change of Destination or Desire to have the Cask, Chest, Box, or Package containing such Soap opened for Home Consumption; and the Officer of Excise to whom such Notice shall be given shall attend at the Premises of such Maker, and shall there see the Directions and Marks on the Cask, Box, Chest, or Package altered as required, and shall also weigh such Cask, Box, Chest, or Package, or in case of taking out for Home Consumption shall wholly remove the Seals and Fastenings from such Cask, Box, Chest, or Package, and open the same; and in every such Case such Officer shall transmit to the Export Officer of Excise of the Port a Certificate of such Alteration of the Direction or Marks, and also the Weight of the Soap as last ascertained, on which Weight only, if less than that found on packing the Soap, the Drawback shall be allowed, or of such Cask, Box, Chest, or Package having been opened for Home Consumption.

Any Maker of Soap for whom Soap has been packed for Exportation may give Notice for altering the Directions or Marks on a Change of Destination, or may have the Soap unpacked for Home Consumption.

LXI. And be it enacted, That every Person intending to remove to *Ireland*, or to export as Merchandize or ship as Stores, any Soap on Drawback shall by himself or his Agent give to the Export Officer of Excise, or Officer acting as such at the Port of Shipment, a Notice in Writing of his Intention to ship such Soap Six Hours at least before such Shipment shall be made, in which Notice shall be specified the Number of Packages to be shipped, with the respective Marks or Numbers thereon, and the Quantity and Description of Soap in each Package, together with the Rate and Amount of the Duty paid and of the Drawback claimed, and the Value for Home Consumption of the whole of the Soap to be shipped, distinguishing the Quantities and Kinds of Soap, whether if Hard Soap or Soft Soap; and such Notice shall also specify the Quay or Place where the Packages are then lying, and from which the same are to be shipped, and the Time of Shipment, with the Name of the Ship and the Master thereof, and the Place or Port to which such Soap is to be removed or exported, or that the same is to be shipped

Shipping Notice to be given.

5 & 6 W. 4. c. 62.

as Stores; and the Person so intending to remove, export, or ship such Soap shall also, by himself or his Agent, make a Declaration before the Export Officer of Excise, or Officer acting as such as aforesaid, under the Provisions of an Act passed in the Fifth and Sixth Years of His late Majesty's Reign, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;'* and to make other Provisions for the Abolition of unnecessary Oaths, that such Packages, and the Soap contained therein, are and is the same described and set forth in the Account or Certificate of the Packing Officer, and that to the best of his Knowledge and Belief the full Duties of Excise have been charged on such Soap, and shall also give Bond, with One or more sufficient Surety or Sureties, to be approved of by the Officer appointed by the Commissioners of Excise to take such Bond, in Treble the Value of the Drawback, conditioned that such Packages, with the Soap therein, shall with all convenient Speed be shipped and removed or exported, or shall be used only as Stores for the Use of the Vessel, (as the Case may be,) and shall not be unpacked in any Port or Harbour of *Great Britain*, nor unloaded, unshipped, or relanded, or put on board any other Ship or Vessel in any Part of *Great Britain* (Shipwreck or other unavoidable Accident excepted); and such Notice having been given and such Declaration made as aforesaid, and such Security having been entered into, the Officer of Excise receiving the same shall write his Name upon the said Shipping Notice, as a Certificate of the Requisites aforesaid having been complied with, and shall forward and transmit the said Notice, with his Name thereon, to the proper Officer of Customs at the Port whose Duty it may be to attend the shipping of such Goods.

The Soap to be produced and shipped in the Presence of an Officer of Customs.

LXII. And be it enacted, That all the said Packages, with the Soap therein, shall, at the Time specified in the Notice for shipping the same, be produced to the proper Officer of Customs, who shall inspect and examine the same, and being satisfied that they are the Packages specified in the Shipping Notice, shall see them shipped in his Presence, and certify such Shipment on the Shipping Notice, and return the same to the Export Officer of Excise, or Officer acting as such; and such Export Officer having received back the said Notice, with the Certificate thereon, shall deliver to the Exporter or his Agent a Debenture, in such Form and with such Particulars as the Commissioners of Excise shall direct, for the Payment of the Amount of Drawback at the Expiration of One Month from the Time of the sailing of the Ship or Vessel on her Voyage, or at such other Time as the Commissioners of Excise shall direct.

Landing Certificate to be produced of

LXIII. And be it enacted, That no Debenture shall be made out for Drawback on any Soap removed to *Ireland*, or exported to

to the Islands of *Guernsey* or *Jersey*, until a Certificate shall be produced under the Hand of the Collector or Comptroller of the Customs of the Port in *Ireland*, or the Chief Officer of the Customs of *Guernsey* or *Jersey*, certifying that such Soap has been duly landed there.

Soap sent to Ireland, Guernsey, or Jersey.

LXIV. And be it enacted, That in every Case where any Notice for shipping Soap on Drawback shall be given it shall be lawful for the Officer of Customs to whom the Packages containing such Soap shall be produced for Shipment, and for any other Officer of Customs or of Excise, to open all or any of the Packages mentioned in such Notice, and unpack and examine the Contents; and if the same are found correct such Officer shall, at his own Expence, to be allowed him by the Commissioners of Customs or Excise (as the Case may be), cause the same to be carefully repacked, and the respective Packages again secured and sealed; but if on such Examination any Packages, or the Contents thereof, shall be found to vary in any Particular from the Description contained in the Shipping Notice, so that a higher or greater Sum than of right payable shall have been claimed, or would, in case such Discovery had not been made, have, on the Removal, Exportation, or Shipment of such Soap, been deemed payable as Drawback, or Her Majesty in any respect defrauded therein, such Packages and the Contents thereof shall be forfeited, and may be seized by any Officer of Customs or Excise; and the Person removing, exporting, or shipping the same shall forfeit Treble the Value of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Excise.

Packages of Soap for which Notice for Drawback has been given may be examined by the Officers of Excise and Customs, and if found fraudulently varying from Notice to be forfeited with Penalty.

LXV. Provided always, and be it enacted, That all Soap to be shipped as Stores on Drawback shall be subject to all the Regulations, Provisions, and Enactments, Fines, Penalties, and Forfeitures, contained in any Act or Acts relating to the Customs in respect of Goods and Commodities shipped as Stores, or Duty-free.

Soap shipped as Stores.

LXVI. And be it enacted, That no Drawback shall be allowed or payable for or in respect of any Hard Soap, unless the same shall be packed in Bars, or Parts of Bars, or in Cakes perfumed or scented, nor on any Soap, unless the same shall be worth at the least the Duties of Excise for Home Consumption.

No Drawback on Soap unless worth the Duty;

LXVII. And be it enacted, That no Drawback shall be allowed or payable on any Hard Soap which shall be of a greater specific Gravity than 1.22.

nor if exceeding the specific Gravity of 1.22.

LXVIII. And be it enacted, That every Person who shall produce to any Officer of Excise or Customs to be packed or taken account of, or shipped for Removal to *Ireland*, or Exportation, or to be shipped as Stores on Drawback, or who shall pack or ship on Drawback any Soap not entitled to Drawback, or any other Soap, or other Articles, Matters, or Goods, other than the Soap specified and described in the Notice for packing the same, or produced to the Officer to be packed, or who

Penalty on fraudulently packing or shipping or concealing or depositing Soap to obtain the Drawback.

shall fraudulently remove, deposit, or conceal any Soap with Intent unduly to obtain any Drawback, or any greater Drawback than he would otherwise be entitled to, shall, over and above all other Penalties which he may thereby incur, forfeit Treble the Amount of the Drawback sought to be obtained, or Two hundred Pounds, at the Election of the Commissioners of Excise, and all such Soap, or other Articles, Matters, or Goods, shall be forfeited, and may be seized by any Officer of Excise or Customs.

Repeal of Acts.

LXIX. And be it enacted, That from and after the Commencement of this Act the several Acts following, so far as the same relate to Duties and Drawbacks of Excise on Soap, or contain any Regulations for collecting, managing, or securing, or paying the Duties and Drawbacks on Soap, but no further, shall be and the same are hereby repealed; (that is to say,) an Act passed in the Tenth Year of the Reign of Her Majesty Queen Anne, intituled *An Act for laying several Duties upon all Sope and Paper made in Great Britain or imported into the same, and upon chequered and striped Linens imported, and upon certain Silks, Calicoes, Linens, and Stuffs printed, painted, or stained, and upon several Kinds of stamp Vellum, Parchment, and Paper, and upon certain printed Papers, Pamphlets, and Advertisements; for raising the Sum of Eighteen hundred thousand Pounds by way of Lottery towards Her Majesty's Supply; and for licensing an additional Number of Hackney Chairs; and for charging certain Stocks of Cards and Dice; and for better securing Her Majesty's Duties to arise in the Office of the Stamp Duties by Licences for Marriages and otherwise; and for Relief of Persons who have not claimed their Lottery Tickets in due Time, or have lost Exchequer Bills or Lottery Tickets; and for borrowing Money upon Stock, Part of the Capital of the South Sea Company, for the Use of the Publick; an Act passed in the Twelfth Year of the Reign of Her Majesty Queen Anne, intituled *An Act for laying additional Duties on Sope and Paper, and upon certain Linens, Silks, Calicoes, and Stuffs, and upon Starch, and exported Coals, and upon stamp Vellum, Parchment, and Paper; for raising One million four hundred thousand Pounds by way of Lottery for Her Majesty's Supply; and for Allowances on exporting made Wares of Leather, Sheep Skins and Lamb Skins; and for Distribution of Four thousand Pounds due to the Officers and Seamen for Gun Money; and to adjust the Property of Tickets in former Lotteries; and touching certain Shares of Stock in the Capital of the South Sea Company, and for appropriating the Monies granted to Her Majesty; an Act passed in the First Year of the Reign of His Majesty King George the First, intituled *An Act for charging and continuing the Duties on Malt, Mum, Cyder, and Perry for the Service of the Year One thousand seven hundred and sixteen; and for compelling several Receivers to finish and clear their Accounts; and for making Duplicates of Exchequer Bills, Lottery Tickets, and Orders lost, burnt, or destroyed, and for enlarging the Time for adjusting Claims to certain Benefit Tickets; and for allowing the Charge of executing the Lottery Act for the Service of the Year One thousand seven hundred***

10 Anne, c. 19.

12 Anne,
scs. 2. c. 9.

1 G. 1. stat. 2.
c. 36.

hundred and ten, and for recovering Monies of several Land Taxes resting in the Hands of Collectors or Constables at Saint Alban's; and for preventing Frauds in the Duties upon Sope; and for limiting a Time for Persons who have certain Annuities for Life or Lives to demand the Payments thereupon at the Exchequer; and for preventing Frauds in the Duties relating to printed and painted Paper, Calicoes, and other Things therein mentioned; an Act passed in the Eleventh Year of the Reign of His said Majesty King George the First, intituled An Act for more effectual preventing Frauds and Abuses in the Publick Revenues; for preventing Frauds in the Salt Duties, and for giving Relief for Salt used in the Curing of Salmon and Cod Fish, in the Year One thousand seven hundred and nineteen, exported from that Part of Great Britain called Scotland; for enabling the Insurance Companies to plead the General Issue in Actions brought against them, and for securing the Stamp Duties upon Policies of Insurance; an Act passed in the Fifth Year of the Reign of His Majesty King George the Third, intituled An Act for the better securing and further Improvement of the Revenues of Customs, Excise, Inland and Salt Duties, and for encouraging the Linen Manufacture of the Isle of Man, and for allowing the Importation of several Goods, the Produce and Manufacture of the said Island, under certain Restrictions and Regulations; an Act passed in the Twelfth Year of the Reign of His said Majesty King George the Third, intituled An Act for the more effectual preventing of Frauds in the Revenues of Excise, with respect to Tea, Soap, Low Wines, and Spirits; an Act passed in the Fourteenth Year of the Reign of His said Majesty King George the Third, intituled An Act to extend so much of an Act passed in the Twelfth Year of the Reign of His present Majesty as relates to Distillers or Mahers of Low Wines and Spirits from Corn to every Kind of Distiller, and for the more effectual securing the Revenue of Excise arising from Low Wines and Spirits; and for ascertaining the Allowance to be made to the Manufacturers of Wool and Linen in respect of the Duties on Soap imported and used in the Woollen and Linen Manufactures; an Act passed in the Seventeenth Year of the Reign of His said Majesty King George the Third, intituled An Act for better securing the Duties on Sope, and the Duties on Rum of the Sugar Plantations put into Warehouses, and for allowing a Drawback of the Duties on Rum shipped as Stores to be consumed on board Merchant Ships on their Voyages, for a limited Time; an Act passed in the Twenty-fourth Year of the Reign of His said Majesty George the Third, intituled An Act for better securing the Duties on Starch and Sope; an Act passed in the Twenty-sixth Year of the Reign of His said Majesty George the Third, intituled An Act to limit a Time for the Repayment of the Duties on Male Servants and Carriages by the Commissioners of Excise, and also on Horses, Waggons, Wains, and Carts by the Commissioners of Stamps, and for the Amendment of several Laws relating to the Duties under the Management of the Commissioners of Excise; an Act passed in the Twenty-seventh Year of the Reign of His said Majesty King George the Third, intituled An Act for making Allowances to the Dealers in Foreign Wines for the Stock of certain

11 G. 1. c. 30.
5 G. 3. c. 43.
12 G. 3. c. 46.
14 G. 3. c. 73.
17 G. 3. c. 52.
24 G. 3. sess. 2. c. 48.
26 G. 3. c. 77.
27 G. 3. c. 31.

28 G. 3. c. 37.

32 G. 3. c. 21.

47 G. 3. sess. 2.
c. 30.

59 G. 3. c. 90.

3 & 4 W. 4. c. 16.
(except s. 9.)

2 & 3 Vict. c. 63.

Recovery of
Arrears of
Duties and
Penalties.

certain Foreign Wines in their Possession at a certain Time, upon which the Duties on Importation have been paid, and for amending several Laws relative to the Revenue of Excise; an Act passed in the Twenty-eighth Year of the Reign of His said Majesty King George the Third, intituled *An Act for repealing the Duties on Buck or Deer Skins, undressed Buck or Deer Skins, Indian half-dressed and Elk Skins undressed imported, and on Hides and Skins dressed in Oil in this Kingdom, and for granting other Duties in lieu thereof; for laying a Duty on Stuffs painted, stained, or dyed in Great Britain, allowing Deer and other Skins, the Produce of Florida, to be sold by Auction free from the Duty charged on such Sales; for amending several Laws relative to the Revenue of Excise, and to prevent the Sale of Sweets for Consumption in the Houses of Retailers thereof who shall not have Licences to sell Beer or Ale; an Act passed in the Thirty-second Year of the Reign of His said Majesty King George the Third, intituled *An Act for the more effectual Prevention of Frauds in the Revenue of Excise with respect to the manufacturing of Soap; an Act passed in the Forty-seventh Year of the Reign of His said Majesty King George the Third, intituled *An Act to amend several Laws of Excise in Great Britain relating to the Duties on Salt, Sope, Paper, Coffee, Cocoa Nuts, Spirits, and Glass, and for restoring Seizures in certain Cases; an Act passed in the Fifty-ninth Year of the Reign of His said Majesty King George the Third, intituled *An Act for the Prevention of Frauds in the Duties on Soap; for preserving the Books or Papers called Specimens left by the Officers of Excise on the Premises of Traders, and for requiring more speedy Payment of the Excise Duties on Printed Calicoes; an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof, except so much of the said Act as grants and allows the Allowances on Soap used, employed, or consumed in Manufactures, and as enacts that no such Allowances shall be claimed by, or be paid or payable to any Servant or Workman, or Person other than the Owner, or One of the Part Owners, or the Foreman of the Manufactory or Business in which the Soap in respect of which such Allowance shall be claimed shall have been used or consumed; an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to remove Doubts as to the charging the Duty of Excise on Hard Soap until the Eleventh Day of October One thousand eight hundred and forty.******

LXX. Provided always, and be it enacted, That all Duties on Soap charged and Arrears of Duties incurred before the Commencement of this Act, under the said recited Acts hereby repealed, or any of them, and any Drawbacks or Allowances due or owing or payable, and all Penalties, Fines, and Forfeitures incurred under the said recited Acts, or any of them, before the Commencement of this Act, may be recovered, demanded, and paid, sued for, enforced, and recovered and condemned as if the said Acts were not repealed.

LXXI. Pro-

LXXI. Provided always, and be it enacted, That nothing in this Act contained shall repeal or affect, or be deemed or construed to repeal or affect, the Allowances of the Duties of Excise by the said Act passed in the Third Year of the Reign of His said late Majesty King *William* the Fourth, to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof, granted and allowed until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five, on all Soap used, employed, and consumed in *Great Britain* in the making of any Cloths, Serges, Kerseys, Bajze, Stockings, or other Manufacture of Sheep or Lambs Wool only, or Manufactures whereof the greatest Part of the Value of the Materials shall be Wool, or in the finishing of the said Manufactures, or preparing the Wool for the same, or in whitening of new Linen in the Piece for Sale, or in preparing and finishing any Manufactures from Flax or Cotton for Sale, or in the Process of throwing, printing, or dyeing of Silks, and further continued by an Act passed in the Fifth and Sixth Years of His said late Majesty's Reign, and further continued, except the Allowance for whitening of new Linen in the Piece for Sale, by an Act passed in the Second and Third Years of the Reign of Her present Majesty, until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and forty-one, or the Regulations and Provisions for claiming and paying the said Allowances, but the same shall continue in the same Manner as if this Act had not been passed.

This Act not to affect the Allowances of Duty on Soap used in Manufactures.

LXXII. And be it enacted, That the additional Duty or Charge of Five Pounds *per Centum* upon the Produce and Amount of the several Duties and Revenues of Excise imposed, and the additional Drawbacks and Allowances granted by an Act passed in this present Session of Parliament, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall extend to and attach upon the Produce and Amount of the Duties, Drawbacks, and Allowances on Soap to be raised, levied, collected, and paid by and under the Provisions of this Act.

The additional Duty of 5*l.* per Cent. charged under 38*4* Vict. c. 17. to attach on the Duties on Soap under this Act.

LXXIII. And be it enacted, That this Act shall commence and take effect on the Twenty-seventh Day of *July* One thousand eight hundred and forty.

Commencement of Act.

LXXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended this Session.

CAP. L.

An Act to provide for keeping the Peace on Canals and Navigable Rivers. [4th August 1840.]

WHEREAS Robberies and other Outrages are frequently committed on Canals and Navigable Rivers throughout *England* and *Wales*, and it is expedient that Power be given to

Appointment
of Constables
for Canals and
Rivers;

who shall take
the following
Oath.

Oath of Con-
stables.

Powers of
Constables.

‘ to appoint Constables for better keeping the Peace, and for the Prevention and Detection of Crime, along the Line of such Canals and Rivers and in the Neighbourhood thereof:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Two Justices of the Peace, and for the Watch Committee of any incorporated Borough within their several Jurisdictions, on the Application of the Committee or Board of Directors acting in the Management of the Affairs of the Company of Proprietors of any Canal or Navigable River, or of any Clerk or Agent of any such Company, duly authorized by such Committee or Board of Directors, to appoint so many Persons as they shall think fit from among those who shall be recommended to them for that Purpose by such Company of Proprietors, Clerk or Agent, to act as Constables on and along such Canal or River; and every Person so appointed shall take an Oath or make a solemn Declaration in the Form or to the Effect following; (that is to say,)

‘ I *A. B.*, having been appointed a Constable to act upon and along the [*name the Canal or Navigable River*], under the Provisions of [*here insert the Title of this Act*], do swear, That I will well and truly serve our Sovereign Lady the Queen in the said Office of Constable, without Favour or Affection, Malice or Ill-will; and that I will, to the best of my Power, cause the Peace to be kept, and prevent all Offences against the Peace; and that, while I continue to hold the said Office, I will, to the best of my Skill and Knowledge, discharge the Duties thereof faithfully according to Law.

‘ So help me GOD.’

Such Oath or Declaration to be administered by any One such Justice; and every Person so appointed, and having taken such Oath or made such Declaration as aforesaid, shall have full Power to act as Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, on such Canal or River, and the Towing Paths and Works belonging thereto, and on and within any Railways, Tramroads, Wharfs, Quays, Locks, Docks, Landing Places, Warehouses, Lands, and Premises, belonging to any such Company, and in all Places not more than One Quarter of a Mile distant from either Bank of such Canal or River, or from such Railways, and shall have all such Powers, Protections, and Privileges for the apprehending of Offenders as well by Night as by Day, and for doing all Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for keeping the Peace, which any Constable duly appointed has within his Constablewick: Provided always, that such Power shall not extend to authorize any such Person to act as such Constable within the Metropolitan Police District, or the City of *London* and the Liberties thereof, or in any Places beyond the Banks, Towing Paths, and other

other the Premises belonging to such Company, as may be situate within any other City or any incorporated Borough, any thing in this Act contained to the contrary notwithstanding.

II. And be it enacted, That it shall be lawful for any Two Justices, or the Watch Committee of any incorporated Borough, to dismiss any such Constable who shall act within their several Jurisdictions, or for the Company of Proprietors of any such Canal or River for which any such Constables shall be appointed, or for any Clerk or Agent of such Company duly authorized by the Committee or Board of Directors of such Companies, to dismiss any such Constable from his Office of Constable; and upon every such Dismissal all Powers, Protections, and Privileges belonging to any such Person by reason of such Appointment shall wholly cease; and no Person so dismissed shall be capable of being again appointed or acting as a Constable for the same Canal or River, without the Consent of the Authority by which he was dismissed.

Dismissal of
Constables.

III. And be it enacted, That it shall be lawful for every such Company of Proprietors to pay to every such Constable, out of the Monies and Effects of the Company, such Salary or Allowances, and at such Times and in such Manner as the Company shall think fit.

Constables
how paid.

IV. And be it enacted, That every Constable who shall be guilty of any Neglect or Breach of Duty in his Office of Constable shall be liable to a Penalty not more than Ten Pounds, the Amount of which Penalty may be deducted from any Salary due to such Offender, or, in the Discretion of the Magistrate before whom such Offender shall have been convicted, such Offender may be imprisoned in the Gaol or House of Correction for the County or Place in which such Offence shall have been committed, with or without hard Labour, for any Time not more than One Calendar Month.

Penalty on
Constables
for Neglect of
Duty.

V. And be it enacted, That every Constable who shall be dismissed from or shall cease to hold his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and all other Necessaries which have been supplied to him for the Execution of his Duty, to such Person, and at such Time and Place as shall be directed by the Company on whose Recommendation he shall have been appointed, or by any Clerk or Agent of such Company duly authorized by the Company to receive the same, shall be liable to be imprisoned in any Gaol or House of Correction as aforesaid, with or without hard Labour, for any Time not exceeding One Calendar Month; and it shall be lawful for any Justice of the Peace to issue his Warrant to search for and seize, to the Use of such Company, all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found.

Constables
dismissed to
deliver up
Accoutrements.

VI. And be it enacted, That every Person who shall assault or resist any Constable appointed as aforesaid, in the Execution of his Duty, or who shall aid or incite any Person so to assault

Penalty for
Assaults on
Constables.

or

or resist, shall for every such Offence be liable to a Penalty not more than Ten Pounds, or, in the Discretion of the Magistrate before whom he shall be convicted, may be imprisoned in any Gaol or House of Correction as aforesaid, with or without hard Labour, for any Time not more than Two Calendar Months.

Possessing
Instruments
for unlawfully
procuring and
carrying away
Liquors.

VII. And be it enacted, That every Person who shall be found upon such Canal or River, or in or upon any Lock, Dock, Warehouse, Wharf, Quay, or Bank thereof, or on board of any Boat or Vessel lying or being in any such Canal or River, or in any Lock or Dock thereunto belonging, having in his Possession or under his Control any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquors or Goods, or having in his Possession any Skin, Bladder, or other Utensil for the Purpose of unlawfully secreting or carrying away any such Wine, Spirits, or other Liquors or Goods, and any Person who shall attempt unlawfully to obtain any such Wine, Spirit, or other Liquors or Goods, shall for every such Offence be liable to a Penalty not more than Five Pounds, or, in the Discretion of the Magistrate before whom he shall be convicted, may be imprisoned as aforesaid, with or without hard Labour, for any Time not more than One Calendar Month.

Unlawfully
injuring the
Contents of
Packages.

VIII. And be it enacted, That every Person who shall bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Package containing Wine, Spirits, or other Liquors, or any Case, Box, Sack, Wrapper, Package, or Roll of Goods, on board of any Boat, Vessel, or Waggon, or in or upon any Warehouse, Wharf, Quay, or Bank of or belonging to any such Canal or River, with Intent feloniously to steal or otherwise unlawfully obtain or to injure the Contents or any Part thereof, or who shall unlawfully drink or wilfully spill or allow to run to waste any such Liquors or any Part thereof, shall for every such Offence be liable to a Penalty not more than Five Pounds, over and above the Value of the Goods or Liquors so taken or destroyed, or, in the Discretion of the Magistrate before whom he shall be convicted, may be imprisoned as aforesaid, with or without hard Labour, for any Time not more than One Calendar Month.

Constable,
&c. having
just Cause to
suspect Felony,
may enter on
board Vessels
and take up
suspected
Persons.

IX. And be it enacted, That it shall be lawful for every Constable appointed as aforesaid, having just Cause to suspect that any Felony, or any other Offence contrary to the Provisions of this Act, has been or is about to be committed in or on board of any Boat or other Vessel lying in any such Canal or River, or any Lock or Dock thereunto belonging, to enter at all Times, as well by Night as by Day, into and upon every such Boat or other Vessel, and therein to take all necessary Measures for the Prevention or Detection of all Felonies or other Offences which he has just Cause to suspect to have been or to be about to be committed, and to take into Custody all Persons suspected of being concerned in such Felonies or other Offences, and also to take charge of all Property so suspected to be stolen or embezzled.

X. And

X. And be it enacted, That it shall be lawful for any such Constable. to take into Custody, without a Warrant, any loose, idle, and disorderly Person whom he shall find disturbing the public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace, or other Offence contrary to the Provisions of this Act, and every Person whom he shall find, between Sunset and the Hour of Eight in the Morning, lying or loitering in or upon any Towing Path, or in or upon any Wharf, Bridge, Railway, Quay, Landing Place, Lock, Dock, or upon the Bank of any such Canal or River, and not giving a satisfactory Account of himself.

Constable may apprehend without Warrant in certain Cases.

XI. And be it enacted, That any Person found committing any Offence punishable upon summary Conviction by virtue of this Act may be taken into Custody, without a Warrant, by any Constable, or may be apprehended by the Owner of the Property with respect to which the Offence shall be committed, or by his Servant, or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law; and every such Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be Reason to suspect that any thing stolen or unlawfully obtained may be found, and also any Person who may be reasonably suspected of having or conveying in any Manner any thing stolen or unlawfully obtained.

Power to Constables and Persons aggrieved to apprehend certain Offenders.

XII. And be it enacted, That any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to such Property, or that the same, or any Part thereof, has been stolen or unlawfully obtained, is hereby authorized, and, if in his Power, is required, to apprehend and detain, and as soon as may be to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law.

Stolen Property offered in Pawn may be detained.

XIII. Provided always, and be it enacted, That nothing herein contained shall be construed to prevent any Person from being indicted for any indictable Offence made punishable on summary Conviction by this Act, or to prevent any Person from being liable under any other Act or Acts to any other higher Penalty or Punishment than is provided for such Offence by this Act, so nevertheless that no Person be punished twice for the same Offence.

Not to repeal Local Acts containing Penalties.

XIV. And be it enacted, That any Two Justices of the Peace within their several Jurisdictions shall be empowered summarily to convict any Person charged with any Offence against this Act, on the Oath of One or more Witnesses, or by Confession of such Person, and to award the Penalty or Punishment herein provided for such Offence.

Offences how to be tried, and Penalties how enforced.

XV. And be it enacted, That in every Case of the Adjudication of a pecuniary Penalty under this Act, and Nonpayment thereof, it shall be lawful for the Justices before whom any Offender shall have been convicted to commit such Offender to any

If Penalty is not paid the Offender may be committed, or the Penalty levied by Distress.

any Gaol or House of Correction within his Jurisdiction for a Term not more than One Calendar Month, where the Sum to be paid shall not exceed Five Pounds; and in any Case not more than Two Calendar Months, the Imprisonment to cease on Payment of the Penalty and the Costs for the Recovery thereof; or, instead of Imprisonment, it shall be lawful for the Justices, by Warrant under their Hands and Seals, to order such Penalty, with the reasonable Costs and Charges of the Conviction, to be levied by Distress and Sale of the Goods and Chattels of the Offender; and all such Convictions and Warrants shall be taken to be within the Provisions of an Act passed in the Fifth Year of the Reign of King George the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables.*

5 G. 4. c. 18.

Form of
Conviction.

XVI. And be it enacted, That any Justice of the Peace before whom any Person shall be summarily convicted for any Offence against this Act may cause the Conviction to be drawn up, on Paper or Parchment, in the following Form of Words, or to the like Effect; (that is to say,)

‘ County, City, or Borough } BE it remembered, That on the
‘ of to wit. Day of in the Year of our
‘ Lord in the County of A.E. is convicted before
‘ us J.P., and J.J.P., Two of Her Majesty’s Justices of the
‘ Peace for the said County, for that he the said A.E. did [*here*
‘ *specify the Offence, and the Time and Place when and where the*
‘ *same was committed, as the Case may be*]; and we do adjudge
‘ that the said A.E. shall for the said Offence forfeit the Sum
‘ of and shall pay the same immediately [*or shall pay*
‘ the same on or before the Day of] to C.D.,
‘ to be by him applied according to the Directions of the Sta-
‘ tute in that Case made and provided. Given under our
‘ Hands the Day and Year first above-mentioned.

‘ J.P. and J.J.P.’

Convictions
not to be
quashed for
Want of Form.

XVII. And be it enacted, That no Conviction for any Offence against this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty’s Superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same; and that where any Distress shall be made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser from the beginning on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage (if any) in an Action upon the Case.

XVIII. And

XVIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Cause of Action shall be given to the Defendant One Calendar Month at the least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Non-suit, or discontinue any such Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases; and though a Verdict shall be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant, unless the Judge before whom the Trial is had shall certify his Approbation of the Action and of the Verdict obtained thereupon.

Venue;

Limitation of
Actions;
General Issue.Tender of
Amends.

XIX. And be it enacted, That in every Case of summary Conviction before any Justices of the Peace under this Act, in which the Penalty adjudged to be paid shall be more than Three Pounds, any Person who shall think himself aggrieved by the Conviction may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County, Riding, or Division wherein the Cause of Complaint shall have arisen; provided that such Person, at the Time of the Conviction, or within Forty-eight Hours thereafter, shall enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled, and to pay such Costs as shall be by the last-mentioned Justices awarded; and it shall be lawful for the Justices by whom such Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the hearing of such Appeal; and that every such Witness, on producing a Certificate of his being so bound, under the Hand of the Justices, shall be allowed Compensation for his Time, Trouble, and Expences in attending the Appeal; which Compensation shall be paid, in the first instance, by the Treasurer of the County or Riding, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King George the Fourth,

Appeal to
Quarter
Sessions.

7 G. 4. c. 64.

intituled *An Act for improving the Administration of Criminal Justice in England*; and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the Treasurer of the County or Riding by the Appellant.

Powers of
Companies
to be exercised
by Directors.

XX. And be it enacted, That all the Powers hereby vested in any Company of Proprietors of any such Canal or Navigable River may be exercised by the Directors or Committee of Management, or other Body of Persons, under whatever Style or Name they may be known, duly authorized according to the Constitution of such Company to manage the Affairs of such Company respectively, and if there shall be no such Body, or more than One such Body, so that it may be doubtful by whom the said Powers ought to be exercised, then by such Body of Persons as shall be appointed for that Purpose by the Proprietors at any General or Special Meeting of the Proprietors convened for that Purpose, with the like Forms and Notices as are required by Law in each Case respectively with regard to such Meetings.

Act may be
amended
this Session.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LI.

An Act to amend and explain the general Turnpike Acts, so far as relates to the Toll payable on Carriages or Horses laden with Lime for the Improvement of Land. [4th August 1840.]

4 G. 4. c. 16.

‘WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to explain so much of the general Turnpike Act as relates to the Toll payable on Carriages laden with Lime for the Improvement of Land*: And whereas Doubts have arisen in the construing of the said Act;’ for removing which Doubts be it declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That nothing in the said general Turnpike Act passed in the Third Year of the Reign of His said late Majesty, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, shall extend or be construed to extend to enable any Collector or Collectors of Tolls under the Authority of any Local Act or Acts to take or demand any Toll for Horses or Carriages employed in carrying or conveying Lime on any Turnpike Road for the Improvement of Land, when Carriages or Horses laden with Lime for the Improvement of Land are exempted from the Payment

Nothing in the
Act 3 G. 4.
c. 126. shall
enable Collec-
tors to take
Toll for Horses
carrying Lime
for the Im-
provement of
Land.

ment of Toll by any such Local Act or Acts now in force, or which were exempted from the Payment of Toll by any Local Act or Acts in force at the Time of the passing of the said recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth, but since repealed.

CAP. LII.

An Act to provide for the Administration of the Government in case the Crown should descend to any Issue of Her Majesty whilst such Issue shall be under the Age of Eighteen Years, and for the Care and Guardianship of such Issue. [4th August 1840.]

‘WHEREAS Your Majesty, by Your Majesty’s Royal Message to both Houses of Parliament, has been pleased to state that the Uncertainty of Human Life, and the deep Sense Your Majesty feels of Duty to Your People, rendered it incumbent upon Your Majesty to recommend to both Houses of Parliament to consider Contingencies which may hereafter take place, and to make such Provision as will, in any Event, secure the Exercise of the Royal Authority; and that Your Majesty would be prepared to concur with the Two Houses of Parliament in those Measures which may appear best calculated to maintain unimpaired the Power and Dignity of the Crown, and thereby to strengthen the Securities which protect the Rights and Liberties of Your People: And whereas, with the most cordial Sense of Duty and Gratitude to Your Majesty for the tender Concern and Regard so uniformly and now more especially demonstrated for the Happiness of Your People and the Security of their Rights and Liberties, we have taken this most important Business into our Consideration, and being thoroughly convinced of the Wisdom and Expediency of what Your Majesty has thought fit to recommend, we are firmly and zealously determined to contribute every thing in our Power to maintain unimpaired the Power and Dignity of the Crown, and to strengthen the Securities which protect the Rights and Liberties of the People:’ We therefore, Your Majesty’s most dutiful and loyal Subjects, the Lords Spiritual and Temporal, and Commons, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if at the Demise of Her present Majesty (whom God long preserve) there shall be Issue of Her said Majesty who shall become and be King or Queen of this Realm whilst under the Age of Eighteen Years, His Royal Highness Prince *Albert*, the Consort of Her said Majesty, shall be the Guardian, and shall have

On Demise of Her Majesty, in case there shall be Issue of Her Majesty who shall become King or

Queen under 18 Years of Age, His Royal Highness Prince Albert appointed Guardian of such Issue, and empowered to exercise Royal Authority under the Title of Regent of the United Kingdom.

have the Care, Tuition, and Education of such Issue, until such Issue shall attain the Age of Eighteen Years, and shall till such Age have the Disposition, ordering, and Management of all Matters and Things relating thereto; and His said Royal Highness Prince *Albert* shall, until such Issue of Her said Majesty shall attain the Age of Eighteen Years, and no longer, have full Power and Authority, in the Name of such Issue, and in His or Her Stead, and under the Style and Title of Regent of the United Kingdom of *Great Britain and Ireland*, to exercise and administer, according to the Laws and Constitution thereof, the Royal Power and Government of this Realm, and all the Dominions, Countries, and Territories to the Crown thereof belonging, and use and exercise and perform all Prerogatives, Authorities, and Acts of Government and Administration of Government which belong to the King or Queen of this Realm to use, execute, and perform, according to the Laws thereof, but in such Manner and subject to such Conditions, Restrictions, Limitations, and Regulations as are herein-after for that Purpose specified, mentioned, and contained.

Acts done contrary to such Authority void.

II. And be it further enacted by the Authority aforesaid, That all Acts of Royal Power, Prerogative, Government, and Administration of Government, of what Nature or Kind soever, which shall be done or executed during the Regency established by this Act otherwise than by and with the Consent and Authority of the said Regent, in the Manner and according to the Direction of this Act set forth and prescribed, shall be absolutely null and void to all Intents and Purposes.

Regent to take the Oaths prescribed by 1 W. & M. sess 1. c. 8. and 6 G. 3. c. 53.

III. And be it further enacted by the Authority aforesaid, That the Regent, before he shall act or enter upon his said Office of Regent, shall take the Oaths of Allegiance and Supremacy in the Form prescribed and required by an Act passed in the First Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths*; and shall also take the Oath of Abjuration in such Manner and Form as is set down and prescribed in an Act passed in the Sixth Year of the Reign of King *George* the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason*; as also the following Oath; that is to say,

Oaths.

' I DO solemnly promise and swear, That I will truly and faithfully execute the Office of Regent of the United Kingdom of *Great Britain and Ireland*, according to an Act of Parliament made in the Fourth Year of Her Majesty Queen *Victoria*, intituled *An Act to provide for the Administration of the Government, in case the Crown should descend to any Issue of Her Majesty whilst such Issue shall be under the Age*
' of

' of Eighteen Years, and for the Care and Guardianship of such
' Issue; and that I will administer the Government of this
' Realm, and of all the Dominions thereunto belonging, accord-
' ing to the Laws, Customs, and Statutes thereof, and will in
' all Things, to the utmost of My Power and Ability, consult
' and maintain the Safety, Honour, and Dignity of His or Her
' [as the Case shall require] Majesty, and the Welfare of His
' or Her [as the Case shall require] People.

' So help me GOD.'

' [I DO faithfully promise and swear, That I will inviolably
' maintain and preserve the Settlement of the true Pro-
' testant Religion, with the Government, Discipline, Rights,
' and Privileges of the Church of Scotland, as established by
' Law. So help me GOD.'

Which Oaths shall be taken before the Privy Council then in
being, who are hereby empowered and required to administer
the same, and to enter the same in the Council Books.

IV. And be it further enacted by the Authority aforesaid,
That it shall not be lawful for the King or Queen of this
Realm, for whom a Regent is hereby appointed, to inter-
marry before His or Her Age of Eighteen Years, with any
Person whomsoever, without the Consent, in Writing, of the
Regent, and the Assent of both Houses of Parliament, pre-
viously obtained; and every Marriage without such Consent,
and such Assent of the Two Houses of Parliament, shall be
null and void to all Intents and Purposes; and every Person
who shall be acting, aiding, abetting, or concerned in obtain-
ing, procuring, or bringing about any such Marriage, and the
Person who shall be so married to such King or Queen under
the Age of Eighteen Years, shall be guilty of High Treason,
and suffer and forfeit as in Cases of High Treason.

The King or
Queen not to
marry under the
Age of 18,
without Con-
sent of the
Regent and
Assent of Par-
liament.

Abetting such
Marriage, High
Treason.

V. Provided always, and be it further enacted by the Au-
thority aforesaid, That the Regent shall not give or have
Power to give the Royal Assent to any Bill or Bills in
Parliament for repealing, changing, or in any respect varying
from the Order and Course of Succession to the Crown of this
Realm as the same stands now established by the Act of the
Twelfth Year of the Reign of King William the Third, inti-
tuled *An Act for the further Limitation of the Crown, and better
securing the Rights and Liberties of the Subject*, or to any Act for
repealing or altering the Act made in the Thirteenth Year of
the Reign of King Charles the Second, intituled *An Act for
the Uniformity of Public Prayers and Administration of Sacra-
ments, and other Rites and Ceremonies, and for establishing the
Form of making, ordaining, and consecrating Bishops, Priests, and
Deacons, in the Church of England*, or an Act of the Fifth
Year of the Reign of Queen Anne, made in Scotland, intituled
An Act for securing the Protestant Religion and Presbyterian
Government.

Regent not
empowered to
give the Royal
Assent to any
Act altering the
Succession.

12 W. 3. c. 2.

13 & 14 Car. 2.
c. 4.

5 Ann. (S.)

VI. Provided always, and be it further enacted, That if His
said Royal Highness Prince Albert shall, at any Time after
becoming such Guardian and Regent, be reconciled to or
shall

In case His
Royal Highness
should marry a
Person pro-
fessing the

Roman Catholic Religion, his Powers under this Act to determine.

shall hold Communion with the See or Church of *Rome*, or shall profess the Popish Religion, or shall marry a Person professing the Roman Catholic Religion, or shall cease to reside in or absent Himself from the United Kingdom of *Great Britain and Ireland*, then and in any of such Cases His said Royal Highness shall no longer be Guardian and Regent, and all the Powers and Authorities which He may have derived under and by virtue of this Act shall thenceforth cease and determine.

CAP. LIII.

5468c6
An Act for vacating any Presentment for rebuilding the Gaol of *Newgate* in *Dublin*, and vacating any Contract between the Commissioners for rebuilding the said Gaol and the Contractor.

[4th August 1840.]

7 G. 4. c. 74.

‘ WHEREAS an Act was passed in the Seventh Year of the
 ‘ Reign of His late Majesty King *George* the Fourth,
 ‘ intituled *An Act for consolidating and amending the Laws re-*
 ‘ *lating to Prisons in Ireland*: And whereas in consequence of
 ‘ the Report of the Inspectors General of Prisons in *Ireland* it
 ‘ is inexpedient to incur the Expence of rebuilding the Gaol of
 ‘ *Newgate* in the City of *Dublin*, as originally proposed in con-
 ‘ sequence of the said Act: And whereas it is expedient to
 ‘ make void any Presentment that may have been made in pur-
 ‘ suance of the said Act by the Grand Jury of the County of
 ‘ the City of *Dublin* for the rebuilding of the Gaol of *Newgate*
 ‘ in the City of *Dublin*, save as to any Instalments already
 ‘ collected of any Sum presented for that Purpose, and also to
 ‘ make void any Contract which may have been entered into for
 ‘ the rebuilding of the said Gaol; and it is also just and ex-
 ‘ pedient to provide for the Payment of any Sum which, under
 ‘ any Arbitration entered into between the Commissioners ap-
 ‘ pointed by the Grand Jury of the said County of the City of
 ‘ *Dublin* for the rebuilding of the said Gaol, and the Contractor
 ‘ who may have contracted with the said Commissioners for
 ‘ rebuilding the same, shall be awarded to such Contractor as
 ‘ Compensation for any Losses sustained by him by reason of
 ‘ such Contract not being carried into effect: And whereas
 ‘ certain Sums of Money may, under the Provisions of the said
 ‘ Act, have been paid by the Treasurer of the County of the
 ‘ City of *Dublin* to the Collector of Excise of the *Dublin* Dis-
 ‘ trict;’ be it therefore enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Par-
 liament assembled, and by the Authority of the same, That
 any such Presentment which may have been heretofore made
 by any Grand Jury for the County of the City of *Dublin* of any
 Sum of Money for or towards the rebuilding of the said Gaol,
 and

Any Present-
 ments made for
 rebuilding the
 Gaol of *New-*
gate, and all

and any Contract entered into between such Commissioners and any Person for rebuilding the said Gaol of *Newgate*, and all Contracts and Agreements between the said Parties relating thereto, shall be and the same are hereby declared to be absolutely null and void to all Intents and Purposes whatever.

Contracts for rebuilding, declared void.

II. And be it enacted, That the Award to be made by any Arbitrators or Umpire, under any Submission to Arbitration entered into between the said Commissioners or the Crown Solicitor in *Dublin* and such Contractor for determining the Amount of such Compensation as aforesaid, shall be final and conclusive between the said Commissioners and the said Grand Jury and such Contractor, to all Intents and Purposes whatever; and that when and so soon as the said Arbitrators or Umpire shall have made their or his said Award, to be given under their several and respective Hands and Seals, and that the same shall be communicated to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, it shall and may be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being to cause to be paid to the said Contractor, out of any Monies that shall have been paid to the Collector of Excise of the *Dublin* District for or on account of any Instalments of any Presentment heretofore made for rebuilding the said Gaol of *Newgate*, so much as shall be equivalent to the Sum awarded to the said Contractor for such Compensation as aforesaid, in case the said Monies shall be sufficient for that Purpose; and in case there shall be any Surplus that the said Commissioners of Her Majesty's Treasury shall cause such Surplus to be paid over to the Treasurer of the Public Money for the County of the City of *Dublin*, for the Use of the said County of the City of *Dublin*; and in case the Sum so awarded to the said Contractor shall exceed the Amount of all the Instalments then paid to the Collector of Excise for the said *Dublin* District for and on account of the said Presentment, that the whole Amount of the said Instalments shall be paid over by the said Commissioners of Her Majesty's Treasury to the said Contractor, in part Discharge of the Amount of said Award; and the Balance of such Amount so awarded shall, on the Certificate of the Secretary or Under Secretary of the Lord Lieutenant ascertaining the same, at some Presenting Term after such Award shall be made, be raised by Presentment to be made by the Grand Jury of the said County of the City of *Dublin* off the said County of the City of *Dublin*, in like Manner as the Amounts of Grand Jury Presentments are now raised by any Act now in force for the raising of Grand Jury Presentments in the County of the City of *Dublin*.

Compensation awarded to Contractor to be paid, under the Direction of the Commissioners of the Treasury, out of the Amount of Presentments heretofore made;

and any Surplus to be paid over to the Treasurer of the County of the City of *Dublin*, and any Deficiency to be supplied by Grand Jury Presentment.

III. And be it enacted, That in case the Grand Jury of the County of the City of *Dublin* at such Presenting Term as aforesaid shall neglect, decline, or refuse duly to present the said Balance so ascertained as aforesaid, the Court at such Presenting Term at which such Certificate shall be laid before

If the Grand Jury refuse to present for ascertained Balance, the Court empowered so to do.

such Grand Jury may and shall make an Order, directing the Sum which ought to have been so presented to be raised and levied as if the same had been so presented, and such Order shall have the Force and Effect of a Presentment, and the Treasurer of the County of the City of *Dublin* shall insert the Sum mentioned in such Order in his Warrant, and the same shall be applotted, raised, levied, and applied in like Manner, to all Intents and Purposes, as if the same had been duly presented by such Grand Jury.

Act may be altered this Session.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LIV.

An Act for making further Provision for the Confinement and Maintenance of Insane Prisoners.

[4th August 1840.]

‘ WHEREAS it is expedient that further Provision should be made for the Confinement and Maintenance of Insane Prisoners:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person, while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, or Imprisonment, or under a Charge of any Offence, or for not finding Bail for good Behaviour or to keep the Peace or to answer a Criminal Charge, or in consequence of any summary Conviction or Order by any Justice or Justices of the Peace, or under any other than Civil Process, shall appear to be insane, it shall be lawful for any Two Justices of the Peace of the County, City, Borough, or Place where such Person is imprisoned to inquire, with the Aid of Two Physicians or Surgeons, as to the Insanity of such Person; and if it shall be duly certified by such Justices and such Physicians or Surgeons that such Person is insane, it shall be lawful for One of Her Majesty’s Principal Secretaries of State, upon Receipt of such Certificate, to direct, by Warrant under his Hand, that such Person shall be removed to such County Lunatic Asylum or other proper Receptacle for Insane Persons as the said Secretary of State may judge proper and appoint; and every Person so removed under this Act, or already removed or in Custody under any former Act relating to Insane Prisoners, shall remain under Confinement in such County Asylum or other proper Receptacle as aforesaid, or in any other County Lunatic Asylum or other proper Receptacle to which such Person may be removed, or may have been already removed, or in which he may be in Custody by virtue of any like Order, until it shall be duly certified to One of Her Majesty’s Principal Secretaries

Prisoners becoming insane, Two Justices may inquire, with Medical Aid, respecting such Insanity;

if certified to be insane, Secretary of State to grant Warrant for Removal to Lunatic Asylum.

If afterwards sane, how to be dealt with.

Secretaries of State, by Two Physicians or Surgeons, that such Person has become of sound Mind, whereupon the said Secretary of State is hereby authorized, if such Person shall still remain subject to be continued in Custody, to issue his Warrant to the Keeper or other Person having the Care of any such Asylum or Receptacle as aforesaid, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he or she shall have been taken, or, if the Period of Imprisonment or Custody of such Person shall have expired, that he or she shall be discharged.

Warrant for Removal back to Prison, or to discharge.

II. And be it enacted, That in all such Cases as aforesaid, unless One of Her Majesty's Principal Secretaries of State shall otherwise direct, it shall be lawful for such Two Justices, or any other Two Justices of the Peace of the County, City, Borough, or Place where such Person is imprisoned, to inquire into and ascertain, by the best Evidence or Information that can be obtained under the Circumstances, of the personal legal Disability of such Insane Person, the Place of the last legal Settlement, and the pecuniary Circumstances of such Person; and if it shall not appear that he or she is possessed of sufficient Property which can be applied to his or her Maintenance, it shall be lawful for such Two Justices, by Order under their Hands, to direct the Overseers of the Parish where they adjudge him or her to be lawfully settled, or in case such Parish be comprised in a Union declared by the Poor Law Commissioners, or shall be under the Management of a Board of Guardians established by the Poor Law Commissioners, then the Guardians of such Union, or of such Parish, (as the Case may be,) to pay on behalf of such Parish, in the Case of any Person removed under this Act, all reasonable Charges for inquiring into such Person's Insanity, and for conveying him or her to such County Lunatic Asylum or Receptacle for Insane Persons, and to pay such weekly Sum as they or any Two Justices shall, by Writing under their Hands, from Time to Time direct, for his or her Maintenance in such Asylum or Receptacle in which he or she shall be confined; and in the Case of any Person removed under any former Act relating to Insane Prisoners, to pay such weekly Sum as they or any Two such Justices as aforesaid shall, by Writing under their Hands, from Time to Time direct, for his or her Maintenance in the Asylum or Receptacle in which he or she is confined; and when the Place of Settlement cannot be ascertained, such Order shall be made upon the Treasurer of the County, City, Borough, or Place where such Person shall have been imprisoned; but if it shall appear, upon Inquiry, to the said or any other Two Justices of the County, City, Borough, or Place where such Person is imprisoned, that any such Person is possessed of Property, such Property shall be applied for or towards the Expences incurred or to be hereafter incurred on his or her Behalf, and they shall from Time to Time, by Order under their Hands, direct the Overseers of any Parish where any Money or Securities for Money,

Justices of the Peace to inquire into the Settlement of such Prisoner, and make Orders on Parish for Maintenance, &c.

When Settlement not found, Order to be made on Treasurer of County

In case the Person is possessed of Property, it shall be applied towards the Expence.

Money, Goods, Chattels, Lands, or Tenements of such Person shall be, to seize so much of the said Money, or to seize and sell so much of the said Goods and Chattels, or receive so much of the annual Rent of the Lands or Tenements of such Person, as may be necessary to pay the Charges, if any, of inquiring into such Person's Insanity, and of Removal, and also the Charges of Maintenance, Clothing, Medicine, and Care of any such Insane Person, accounting for the same at the next Special Petty Sessions of the Division, City, or Borough in which such Order shall have been made, such Charges having been first proved to the Satisfaction of such Justices, and the Amount thereof being set forth in such Order.

Persons charged with Misdemeanors, acquitted on the Ground of Insanity, may be kept in Custody. 39 & 40 G. 3. c. 94.

III. ' And whereas it is expedient that the same Provision should be made with regard to Persons charged with Misdemeanors as is made with regard to Persons charged with Treason, Murder, or Felony by virtue of an Act passed in the Session holden in the Thirty-ninth and Fortieth Years of the Reign of King George the Third, intituled *An Act for the safe Custody of Insane Persons charged with Offences* ;' be it therefore enacted, That in all Cases where it shall be given in Evidence upon the Trial of any Person charged with any Misdemeanor that such Person was insane at the Time of the Commission of such Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the Commission of such Offence, and to declare whether such Person was acquitted by them on account of such Insanity ; and if they shall find that such Person was insane at the Time of the committing such Offence the Court before whom such Trial shall be had shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until Her Majesty's Pleasure shall be known ; and it shall thereupon be lawful for Her Majesty to give such Order for the safe Custody of such Person, during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit ; and in all Cases where any Person before the passing of this Act has been acquitted of any such Offence on the Ground of Insanity at the Time of the Commission thereof, and has been detained in Custody as a dangerous Person by Order of the Court before whom such Person has been tried, and still remains in Custody, it shall be lawful for Her Majesty to give the like Order for the safe Custody of such Person during Her Pleasure as Her Majesty is hereby enabled to give in the Case of any Person who shall hereafter be acquitted on the Ground of Insanity ; and in all such Cases any Two Justices of the Peace of the County, City, or Place where such Person shall have been acquitted on account of Insanity, or shall be kept in Custody, shall have the like Power as is given in the Cases before mentioned to inquire into and ascertain the last legal Settlement of such Insane Person, and also to make the like Order or Orders for the Payment of such Person's Maintenance and of other Charges as above mentioned.

Like Powers as in Cases before mentioned for inquiring into Settlement and ordering Maintenance.

IV. Provided always, and be it enacted, That if any Person shall feel aggrieved by any Order of any Justices as aforesaid, such Person may appeal to the Justices of the Peace at the next Quarter Sessions of the Peace to be holden in and for the County, City, Borough, or Place where the Matter of Appeal shall have arisen, the Person so appealing having given to the Justices against whose Order such Appeal shall be made Ten Days Notice of his or her Intention to make such Appeal; and the said Justices at such Sessions are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination as they shall think proper, and shall and may also award such further Satisfaction to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and every such Determination shall be final and conclusive to all Intents and Purposes whatsoever, and no Certiorari shall be allowed.

Persons aggrieved may appeal from the Order of the Justices.

V. Provided also, and be it enacted, That the Overseers of the Parish in which the Justices shall adjudge any Insane Person to be settled, or in case such Parish be comprised in a Union, or be under the Management of a Board of Guardians, then either the Guardians of such Union or Parish (as the Case may be), or the Overseers of such Parish, may appeal against such Order to the General Quarter Sessions of the Peace to be holden for the County, City, Borough, or Place where such Order shall be made, in like Manner and under like Restrictions and Regulations as against any Order of Removal, giving reasonable Notice thereof to the Clerk of the Peace of such County, City, Borough, or Place, who shall be Respondent in such Appeal, which Appeal the Justices of the Peace assembled at the said General Quarter Sessions are hereby authorized and empowered to hear and determine in the same Manner as Appeals against Orders of Removal are now heard and determined.

Overseers or Guardians may appeal against the Order of the Justices on the Parish.

VI. And be it enacted, That so much of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend the Laws for the Erection and Regulation of County Lunatic Asylums, and more effectually to provide for the Care and Maintenance of Pauper and Criminal Lunatics, in England*, as relates to the Removal of any Person imprisoned under Sentence of Imprisonment or Transportation to any County Lunatic Asylum or other proper Receptacle, shall be and the same is hereby repealed.

9 G. 4. c. 40.
s. 55. repealed.

VII. And whereas by the said last-mentioned Act it was among other things enacted, that it should be lawful for Two Justices of the Peace of the County where any Person should be kept in Custody as an Insane Person by Order of any Court, or by His Majesty's Order subsequent thereunto, to inquire into and ascertain the Settlement and Circumstances of such Insane Person, and to make Order for the Payment of such weekly Sum for his or her Maintenance as One of His Majesty's Principal Secretaries of State should, by Writing under his Hand, from Time to Time direct: And whereas it is expedient that so much of the said Act as relates to such

So much of 9 G. 4. c. 40. s. 54. as relates to Orders for the Payment of Money for Amount of Maintenance of Insane Prisoners, to be settled by Secretary of State, repealed.

Direction

' Direction to be given by such Secretary of State should be repealed, and other Provisions made in the Place thereof: ' Be it therefore enacted, That so much of the said Act as relates to such Directions to be given by such Secretary of State shall be and the same is hereby repealed; and that it shall be lawful for such Two Justices, by Order under their Hands, to direct the Overseers of the Parish in which they shall adjudge such Insane Person as last aforesaid to be legally settled, or in case such Parish shall be comprised in a Union declared by the Poor Law Commissioners, or shall be under the Management of a Board of Guardians established by the Poor Law Commissioners, then the Guardians of such Union or Parish, as the Case may be, to pay such weekly Sum for the Maintenance of such Person as they or any such Two Justices shall, by Writing under their Hands, direct.

Rules for Interpretation of this Act.

VIII. And in order to remove Doubts as to the Meaning of certain Words in this Act, be it enacted, That the Words "Treasurer of the County, City, Borough, or Place" shall be deemed to include any Officer in any County, Riding, Division, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, who has the Custody of any Funds assessed upon or raised in or belonging to such County, Riding, Division, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate, in the Nature of County Rates, and applicable to the Purposes to which County Rates are applicable; that the Words "Insane Person" shall be deemed to include any Lunatic or dangerous Idiot; and that the Words "County, City, Borough, or Place" shall be deemed to include any County, Riding, Division, Liberty, County of a City, County of a Town, Cinque Port, or Town Corporate; and the Word "Parish" shall be deemed to include any Township, Hamlet, Tithing, Vill, Extra-parochial Place, or any Place maintaining its own Poor.

Limitation of Act.

IX. And be it enacted, That this Act shall extend only to *England and Wales*.

Act may be amended this Session.

X. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session of Parliament.

CAP. LV.

An Act to enable the Owners of Settled Estates to defray the Expence of draining the same by way of Mortgage.

[4th August 1840.]

*repealed by
31 & 32 Vict.*

*See form of
warrant for
drainage in
31 & 32 Vict.
31 & 32 Vict.
13 June 59*

' WHEREAS much of the Land in *England and Ireland* would be rendered permanently more productive by improved Draining, and nevertheless, by reason of the great Expence thereof, Proprietors having a limited Interest in such Land are often unable to execute such Draining: And
' whereas

' whereas it is expedient, as well for the more abundant Production of Food as for the increased Employment of Farming Labourers, and the extended Investment of Capital in the permanent Improvement of the Soil, that such Proprietors should be relieved from this Disability, due Regard being had to the Interests of those entitled in Remainder: ' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for any Tenant for Life, or for a Term determinable on his or her Life, under any Will, Settlement, or other like Disposition, entitled in Possession at Law or in Equity to any Lands in *England or Ireland*, (or the Guardian or Guardians of any Infant, on the Behalf of such Infant so entitled as aforesaid,) to apply by Petition to Her Majesty's Court of Chancery or Exchequer in *England or Ireland* for Leave to make any permanent Improvements in the Lands to which he or she shall be so entitled, or any Part thereof, by draining the same with Tiles, Stones, or other durable Materials in a permanent Manner; and in every such Petition shall be specified the Improvements proposed to be made, and the estimated Cost thereof, and of all Matters incidental thereto; and every such Petition shall be referred to a Master of the said Court of Chancery, or to a Master, or in *Ireland* to the Chief or Second Remembrancer of the Court of Exchequer, to inquire into and ascertain the Propriety of such Improvements being effected; and such Master or Chief or Second Remembrancer shall and he is hereby required to call for such Plans and Estimates and Specifications in relation to the said proposed Improvements as he shall think fit; and the Master or Remembrancer shall make his Report respecting such Proposal; and the Court to which any such Application shall be made shall make such Order upon such Petition and Report as such Court shall think fit.

Tenants for Life may apply to Court of Chancery for Leave to make Improvements.

II. Provided always, and be it enacted, That a Copy of every such Petition shall be served Twenty-one Days at the least before the hearing thereof upon the Person or Persons beneficially entitled at Law or in Equity to the first vested Estate of Freehold of Inheritance in Remainder after the Estate of the Tenant for Life, but if any of such Persons shall be of unsound Mind, or under the Age of Twenty-one Years, or under any other legal Disability, or beyond the Limits of the United Kingdom of *Great Britain and Ireland*, then a Copy of such Petition shall be served, on his, her, or their Behalf, upon such Person or Persons respectively as the said Court of Chancery or Court of Exchequer to which the said Petition shall be preferred shall appoint for that Purpose; and every Person upon whom a Copy of any such Petition shall be so served shall be at liberty to attend before the Master or Remembrancer to whom such Petition shall be referred, and to consent or object to the Proposal contained in such Petition; and any Person appearing

Copy of Petition to be served on Parties interested.

Further to be served upon the Copy being 12 days.

appearing before the Master or Remembrancer on any such Petition may also appear before the Master or Remembrancer, previously to his signing any such Certificate as after mentioned, for the Purpose of producing any Objection to the Mode in which any such Improvements as after mentioned may have been executed; and all the Costs attending any such Application, and of the Party so served, shall be paid by the Party making such Application as aforesaid.

Tenants for
Life may make
Improvements.

III. And be it enacted, That if it shall appear to the Satisfaction of such Master or Remembrancer, on the Report of One or more Surveyors to be appointed or approved of by the said Master or Remembrancer, that it will be for the Benefit of such Lands that they should be so drained, and such Report shall be confirmed by the said Court, then it shall be lawful for the Tenant for Life, or such Guardian or Guardians as aforesaid, who shall have presented such Petition, to make and execute such Improvements accordingly.

After Improve-
ments have been
made, Court to
ascertain what
Money has been
properly ex-
pended, and to
order it to be
charged.

IV. And be it enacted, That in every Case where the said Court of Chancery or Exchequer shall have made an Order sanctioning the Execution of any such Improvements of any Lands, and such Improvements or any Part thereof shall have been made accordingly, it shall be lawful for the Master or Remembrancer whose Report shall be so confirmed by the said Court, by a Certificate under his Hand to be filed in the said Court, on having Satisfaction that the Money had been properly expended, to authorize any such Person so entitled as aforesaid, or the Executors or Administrators of such Person, or such Guardian or Guardians of such Infant as aforesaid, by Deed in Writing, to charge all or any Part of the Lands so drained as aforesaid, or any other Lands subject to the like Uses or Trusts as the Lands so drained, with the Payment to any Person or Persons willing to advance the same of the Amount of the Money which may have been so expended, and so from Time to Time as any Money shall be so expended, together with Interest thereon after any Rate not exceeding Five Pounds *per Centum per Annum* from the Time of making the Charge, but so nevertheless that in any such Charge it shall be provided that the Principal Sum charged shall be paid off by equal yearly Instalments, such Instalments not to be less than Twelve nor more than Eighteen, the Number of such Instalments to be determined and recommended by the said Master or Remembrancer in his Report, and such Number of the said Instalments to be diminished or increased at the Discretion of the said Master, according to the greater or less Improvement shown to have been made by such Draining; and for the Purpose of securing such Monies to be so charged it shall be lawful for the Person making such Charge to demise the Hereditaments to be charged for any Term or Number of Years, by reason whereof the Rents and Profits of the said Hereditaments shall be applicable to the Payment of the said Monies so to be charged as aforesaid, but so as such Term be made to cease on the Payment of the Monies charged: Pro-
vided

vided nevertheless, that such Person making such Charge, and every succeeding Tenant for Life, or Tenant for Term of Years determinable on his or her Life, shall be bound to keep down the Interest and Instalments to be charged, or any Rent-charge to be charged as after mentioned; and the Lands charged shall not (except as against any Tenant for Life or other Person liable to pay such Instalments and Interest or keep down such Rent-charge) be liable to pay more than Six Months of any Interest, and One Half of any Instalment, or pay more than Half a Year's Rent-charge, which is hereby directed to be kept down as aforesaid: Provided nevertheless, that if any Person shall be willing to advance to any Person hereby authorized to make such Charge as aforesaid the Amount he or she may be so authorized to charge in consideration of a Rent-charge for a Term of not less than Twelve nor more than Eighteen Years, then such Person so authorized to charge, instead of charging the said Hereditaments with such Instalments and Interest as aforesaid, may charge the same with a Rent-charge for any such Period as aforesaid, so as that the said Master or Remembrancer shall in his said Report approve of the Substitution of a Rent-charge, and of the Amount to be charged, and shall ascertain and determine the Number of Years for which the same shall be granted (such Number of Years to be ascertained in the same Manner as is before directed with respect to the ascertaining the Amount of such Instalments as aforesaid): Provided also, that no Person shall be entitled to make any such Charge as aforesaid unless it shall be stated in the Report of such Master or Remembrancer that it hath been made to appear to him by the Report of such Surveyor that the annual Value of the Lands so drained is increased by such Draining to an Amount equal to Seven Pounds *per Centum* at least on the Sum to be charged.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

Act may be altered this Session.

CAP. LVI.

An Act further to regulate the Trade of Ships built and trading within the Limits of the *East India Company's Charter*. [7th August 1840.]

‘ WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to make further Regulations for the Registry of Ships built in India*, it was enacted, that nothing in that or in the therein-recited Acts or in any other Act contained should subject any Ship or Vessel built or to be built within the Limits of the Charter of the *East India Company*, which should not be of the Burthen of Three hundred and fifty Tons, or any Ship or Vessel built within the Limits of the Charter

55 G. 3. c. 116

' Charter of the said Company, then the Property of any of
 ' His said Majesty's Subjects within the Limits aforesaid, and
 ' employed in Trade as theretofore solely within the said
 ' Limits, including the *Cape of Good Hope*, or any Ship or
 ' Vessel which then was, or at any Time before the First Day
 ' of *January* in the Year One thousand eight hundred and
 ' sixteen should be, building within the Limits aforesaid, on
 ' account of any of His said Majesty's Subjects within the said
 ' Limits, and should be employed in Trade solely within the
 ' said Limits, including the *Cape of Good Hope*, to any Penalty,
 ' Forfeiture, Disability, or Impediment, by reason of such Ship
 ' or Vessel not being registered, and not being *British*-built,
 ' or to affect the Property or any Transfer of Property in any
 ' such Ship or Vessel as aforesaid which should not be regis-
 ' tered: And whereas by an Act passed in the Fourth Year of
 4 G. 4. c. 41. ' His late Majesty King George the Fourth, intituled *An Act for*
 ' the registering of Vessels, and by another Act passed in the
 4 G. 4. c. 80. ' same Session, intituled *An Act to consolidate and amend the*
 ' several Laws now in force with respect to Trade from and to
 ' Places within the Limits of the Charter of the East India Com-
 ' pany, and to make further Provisions with respect to such Trade;
 ' and to amend an Act of the present Session of Parliament, for the
 ' Registry of Vessels, so far as it relates to Vessels registered in
 ' India, the said recited Act of the Fifty-fifth Year of King
 ' the George Third was repealed: And whereas by an Act
 3 & 4 W. 4. c. 59. ' passed in the Session held in the Third and Fourth Years
 ' of the Reign of King William the Fourth, intituled *An Act*
 ' to regulate the Trade of the British Possessions abroad, it was
 ' among other things enacted, that all Ships built at any Place
 ' within the Limits of the East India Company's Charter prior
 ' to the First of *January* One thousand eight hundred and
 ' sixteen, and which then were and had continued ever since
 ' to be solely the Property of His Majesty's Subjects, should
 ' be deemed to be *British* Ships for all the Purposes of Trade
 ' within the said Limits, including the *Cape of Good Hope*:
 ' And whereas, under and by virtue of an Act passed in the
 3 & 4 W. 4. c. 55. ' same Session, intituled *An Act for the registering of British*
 ' Vessels, Ships or Vessels built in any Ports in the Territories
 ' under the Government of the said Company, being owned
 ' by *British* Subjects, and being registered in manner therein
 ' provided for, are entitled to all the Privileges and Advan-
 ' tages of a *British* registered Ship; but it is expedient further
 ' to regulate the Trade of Ships built and trading within the
 ' Limits of the East India Company's Charter, including the
 ' *Cape of Good Hope* and the Territories and Dependencies
 ' thereof, and in the meantime to restore to the Ships or Vessels
 ' so described as aforesaid in the said recited Act of the Fifty-
 ' fifth Year of King George the Third the Enjoyment of the
 ' Privileges to which they were thereby entitled; and it is
 ' fit that Indemnity should be afforded in respect of the Con-
 ' sequences of the Repeal of such Privileges by the said Acts
 ' of the Fourth Year of King George the Fourth, or either of
 ' them:

‘ them:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in the meantime and until such Declaration by Proclamation shall be made by the Governor General in Council as hereinafter is authorized, as well all Ships mentioned in the said Enactment contained in the said first-recited Act of King *William* the Fourth, as also all other Ships or Vessels so as aforesaid described in the said Act of the Fifty-fifth Year of the Reign of King *George* the Third, shall have and enjoy the same Privileges as were thereby given to such Ships or Vessels.

Until Proclamation, all Vessels to be entitled to Privileges given by 55 G. 3. c. 116.

II. And be it enacted, That for all Purposes of Indemnity and Discharge from all Actions, Suits, Prosecutions, Penalties, Forfeitures, Disabilities, or Impediments, and for all Purposes of confirming and giving Validity to all Sales, Assignments, Mortgages, Contracts, Engagements, Bonds, Policies of Assurance, Gifts, Bequests, Rights, Titles, Interests, Matters, and Things whatsoever, which but for the said recited Repeal of the said Privileges would have been valid and effectual in Law, and for all other beneficial Purposes whatever, this Act shall have the same Force and Effect as if the said Act of the Fifty-fifth Year of the Reign of King *George* the Third had never been repealed.

This Act to have the same Force as 55 G. 3. c. 116.

III. And be it enacted, That it shall be lawful for the Governor General of *India* in Council, by Proclamation, to declare that all Ships or Vessels built or to be built within the Limits of the Charter of the *East India* Company, being owned by Her Majesty’s Subjects for whom the said Governor General in Council has Power to legislate, and belonging, under the Regulations herein-after provided for, to any Ports in the Territories under the Government of the said Company, shall be deemed to be *British* Ships for all the Purposes of Trade within the said Limits, including the *Cape of Good Hope* and the Territories and Dependencies thereof; provided that upon such Declaration being made the said Governor General in Council shall, and the said Governor General in Council is hereby accordingly empowered to make Regulations, to be enforced by suitable Penalties, concerning the registering, licensing, and ascertaining the Admeasurement of the Tonnage and Burden, and generally for the Trading within the Limits aforesaid of such Ships or Vessels, any thing in any Act to the contrary notwithstanding; which Regulations shall be of equal Force and Effect with any Laws and Regulations which the said Governor General in Council is authorized to make, but shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England*, and be laid before both Houses of Parliament, as in the Case of any other Laws or Regulations which the said Governor General in Council is now by Law empowered to make.

Governor General enabled to declare what Ships shall be considered as *British*.

IV. ‘ And whereas it may be expedient to admit to similar Privileges and Advantages any Ships or Vessels belonging to
[No. 21. Price 2d.] X ‘ Native

Ships belonging to Native Powers may be admitted to

Privileges of
British Ships.

‘ Native Princes or States in subordinate Alliance with or
‘ having subsidiary Treaties with the *East India* Company, or
‘ owned by Subjects of any such Princes or States;’ be it
therefore enacted, That the Governor General of *India* in
Council may by such Regulations as aforesaid, such Regulations
being subject as aforesaid, admit to the Privileges and Advan-
tages of *British* Ships, for the Purposes of Trade within the
Limits of the Charter of the said Company, including the *Cape*
of Good Hope and the Territories and Dependencies thereof, or
to any of such Privileges and Advantages, any Ships or Vessels
belonging to such Princes or States or any of them, or owned
by Subjects of any such Princes or States; but any such Regu-
lations shall provide for the granting to such Ships or Vessels
fit and convenient Licences or Passes, and generally for the
Trading within the Limits aforesaid of such Ships or Vessels.

Giving legal
Validity to Acts
of Governors of
Presidencies for
regulating
Trade.

V. ‘ And whereas Vessels exceeding the Burden of Three
‘ hundred and fifty Tons, built in Ports within the Limits of
‘ the *East India* Company’s Charter since the First Day of
‘ *January* One thousand eight hundred and sixteen, and owned
‘ by *British* Subjects, and Vessels built in Ports within the
‘ Limits aforesaid, owned by Native Princes or States in sub-
‘ ordinate Alliance with or having subsidiary Treaties with the
‘ *East India* Company, or by the Subjects of such Princes or
‘ States, may have heretofore engaged and may be now engaged
‘ in Trade within such Limits, under some Licence, Authority,
‘ or Sanction of the respective Governments of the several
‘ Presidencies in *India*; and it is expedient that full legal
‘ Validity and Effect should be given to all Acts of the said
‘ Government respectively in reference to any Trading;’ be it
therefore enacted, That all Acts and Documents whatever, done,
given, or issued by any of the said Governments in reference
to the Trading of the Two Classes of Vessels last herein-before
mentioned, shall be deemed and construed to have had for all
Purposes full legal Validity and Effect from the respective
Times when such Acts and Documents may have been done,
given, or issued respectively, and shall for all Purposes continue
to have such Validity and Effect until the Governor General of
India in Council shall make other Provisions in respect of the
trading of such Classes of Vessels respectively under the
Authority of this Act.

Provisions of
Act for regis-
tering *British*
Vessels to have
full Force in
East Indian
Territories.

VI. ‘ And whereas Doubts have been entertained whether
‘ the Provisions and Remedies enacted and contained in an
‘ Act passed in the Session held in the Third and Fourth Years
‘ of the Reign of His late Majesty King *William* the Fourth,
‘ intitled *An Act for the registering of British Vessels*, in Cases
‘ of the wilful Detention and Refusal to deliver up the Certifi-
‘ cate of the Registry of any Ship or Vessel to the proper
‘ Officer or other Persons authorized and entitled in that Behalf,
‘ as in the said last-mentioned Act is specified, extend to and
‘ are in force in the Territories under the Government of the
‘ *East India* Company; and it is expedient that such Doubts
‘ should be removed;’ be it therefore declared and enacted,
That

That the said several Provisions and Remedies in the said last-mentioned Act contained touching the wilful Detention of such Certificate of Registry, or the absconding of any Person in Possession of the same, shall be deemed and taken to extend to and shall extend to and be in force in the said Territories under the Government of the *East India Company*.

VII. And be it enacted, That wherever in and by the said Act it is directed or provided that any Act, Matter, or Thing shall and may be done or performed by, to, or with the Governor, Lieutenant Governor, or Commander in Chief of any Place where any Ship or Vessel may be registered under the Authority of the same Act, the same shall or may be done or performed in the Territories under the Government of the *East India Company* by, to, or with the Governor General of *India* in Council, or the Governor of the Presidency of *Fort William* in *Bengal*, or the respective Governors in Council or Governors of the Presidencies of *Fort Saint George* and *Bombay*, or the Governor of *Prince of Wales Island*, *Singapore*, and *Malacca*, or the respective resident Councillors at *Singapore* and *Malacca*, according to Circumstances, and as the Case may be.

VIII. And be it enacted, That in all Cases in which by the said last-mentioned Act it is made lawful for any Governor, Lieutenant Governor, or Commander in Chief of any of Her Majesty's Colonies, Plantations, Islands, or Territories, and they are thereby authorized and required, if any Suit, Information, Libel, or other Prosecution or Proceeding, of any Nature or Kind whatever, shall have been commenced or shall hereafter be commenced in any Court whatever in any of the said Colonies, Plantations, Islands, or Territories respectively, touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor, Lieutenant Governor, or Commander in Chief, to cause all Proceedings thereon to be stayed, as in the said last-mentioned Act is provided, it shall be lawful, in the Territories under the Government of the *East India Company*, for the Governor General of *India* in Council, or the Governor of the said Presidency of *Fort William* in *Bengal*, or for the respective Governors in Council or Governors of the said Presidencies of *Fort Saint George* and *Bombay*, or the Governor of *Prince of Wales Island*, *Singapore*, and *Malacca*, according to Circumstances, and as the Case may be, and they are respectively authorized and required, if any such Suit, Information, Libel, or other Prosecution or Proceeding whatever shall have been commenced or shall hereafter be commenced in any of Her Majesty's Courts whatever, in or in any Place subordinate to the said several Presidencies, or the Government of *Prince of Wales Island*, *Singapore*, and *Malacca* respectively, touching the Force and Effect of any Register granted to any Ship or Vessel, upon a Representation made to any such Governor General of *India* in Council, or Governor of the said Presidency of *Fort William* in *Bengal*, or Governors in Council or Governors of the said Presidencies of *Fort Saint George* and *Bombay* respectively,

Matters directed to be performed before Governors of any particular Place may be performed in Presence of Governor General of India, &c.

For staying Proceedings in certain Cases.

tively, or such Governor of *Prince of Wales Island, Singapore, and Malacca*, according to Circumstances, and as the Case may be, to cause all Proceedings thereon to be stayed, if he shall see just Cause so to do, until Her Majesty's Pleasure shall be known and certified to him by Her Majesty, by or with the Advice of Her Majesty's Privy Council; and such Governor General of *India* in Council, or Governor of the said Presidency of *Fort William* in *Bengal*, or Governor in Council or Governor of the said Presidencies of *Fort Saint George* and *Bombay* respectively, or such Governor of *Prince of Wales Island, Singapore, and Malacca* respectively, is hereby required to transmit to the Court of Directors of the *East India* Company, to be by them forthwith forwarded to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty in Council, an authenticated Copy of the Proceedings in every such Case, together with his Reasons for causing the same to be stayed, and such Documents properly verified as he may judge necessary for the Information of Her Majesty.

Construction
of Term.

IX. And be it enacted, That the Term "*Limits of the East India Company's Charter*" shall for all Purposes of this Act be construed to mean all Places and Seas Eastward of the *Cape of Good Hope* to the Straits of *Magellan*.

CAP. LVII.

An Act to impose Duties of Excise on Sugar manufactured in the United Kingdom.

[7th August 1840.]

7 W. 4. &
1 Vict. c. 57.

3 & 4 Vict. c. 17.

‘ WHEREAS an Act was passed in the First Year of the
‘ Reign of Her present Majesty, intituled *An Act to*
‘ *impose certain Duties of Excise on Sugar made from Beet Root*
‘ *in the United Kingdom*, whereby a Duty of Excise of One
‘ Pound Four Shillings was imposed on every Hundred Weight
‘ of Sugar manufactured in the United Kingdom from Beet
‘ Root: And whereas an Act was passed in this present Ses-
‘ sion of Parliament, intituled *An Act for granting to Her*
‘ *Majesty Duties of Customs, Excise, and Assessed Taxes*, whereby
‘ an additional Duty or Charge of Five Pounds *per Centum* was
‘ imposed upon the Produce and Amount of all the several Duties
‘ and Revenues of Excise, except upon the Produce and
‘ Amount of the Duties of Excise on Horses let to hire, and
‘ on Licences taken out by Persons letting Horses to hire, and
‘ upon the Produce and Amount of the Duties on Spirits
‘ made and distilled in the United Kingdom: And whereas
‘ since the passing of the said first-recited Act Sugar has been
‘ manufactured and is now making in the United Kingdom
‘ from Potatoes, Rice, and other Materials, and it is therefore
‘ expedient to extend the said Act, and to impose on all
‘ Sugar, from whatever Materials made in the United King-
‘ dom, the same Duties as are by Law payable on Sugar made
‘ from

‘ from Beet Root.’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be charged, raised, levied, collected, and paid on every Hundred Weight, and so in proportion for any greater or lesser Quantity, of all Sugar manufactured in the United Kingdom, from whatever Materials made, the same Amount of Duty as is by Law payable on Sugar made or manufactured from Beet Root.

The Duty on Beet Root Sugar imposed on all Sugar made in the United Kingdom.

II. And be it enacted, That the said Duties by this Act imposed shall be under the Management of the Commissioners of Excise, and the same shall be charged, raised, levied, collected, and recovered, applied, and accounted for under the Enactments and Provisions of the said first-recited Act, and in such and the like Manner, and in and by the same Means, Ways, or Methods, by which any other Duties of Excise, are or may be charged, raised, levied, collected, and recovered, applied, and accounted for; and the said first-recited Act, and all and every other Act or Acts relating to the Duties of Excise, and all and every Fine, Pain, Penalty, and Forfeiture, of any Nature or Kind whatsoever, for any Offence against or in breach of the said recited Act, or any other Act or Acts for securing the Duties of Excise, or for the Regulation thereof, in force immediately before the passing of this Act, and the several Clauses, Powers, and Directions therein contained, shall and the same are hereby respectively directed and declared to extend to, and shall be applied, practised, and put in execution for and in respect of the Duties of Excise by this Act imposed, in as full and ample Manner as if all and every the said Act and Acts, Clauses, Provisions, Powers, Directions, Fines, Pains, Penalties, and Forfeitures were repeated and re-enacted in this Act.

Duties to be under the Commissioners of Excise, and raised under former Acts.

III. And be it enacted, That all Sweets and Saccharine Matter which shall resemble or be in the Form or Imitation of Sugar, or which shall be capable of being used as a Substitute for Sugar, shall be deemed and taken to be Sugar within the Meaning of this Act.

Sweets, &c. used for Sugar to be deemed Sugar.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be altered this Session.

CAP. LVIII.

An Act to amend the Acts relating to the River *Poddle* in the County and City of *Dublin*.

[7th August 1840.]

‘ WHEREAS an Act was passed in the Parliament of Ireland in the Thirty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act for preventing the*

36 G. 3. (1.)

17 & 18 Car. 2.
(1.)

‘ *Inundations of the Poddle River in Dublin, and for preserving the Cathedral Church of Saint Patrick and the Houses of the adjoining Inhabitants from the Damages arising therefrom,* whereby, after reciting a certain Act made in the said Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of His Majesty *Charles* the Second, intituled *An additional Act to the Act intituled ‘An Act for the cleansing of the Watercourse in Saint Patrick Street,’* certain Commissioners were appointed for carrying into effect the Purposes of the said Acts, and were empowered from Time to Time to lay such Tax or Assessment as they should think sufficient upon the Dean, Dignitaries, and Prebendaries of the Cathedral Church of *Saint Patrick, Dublin*, and upon every House in the Liberties or Baronies of *Saint Sepulchre’s* and *Thomas Court* and *Donore*; and upon every House then built or thereafter to be built situate in the City of *Dublin* or in the adjoining Liberties or Baronies of *Saint Sepulchre’s, Thomas Court*, and *Donore*, or in the County of *Dublin*, and which Houses were or should be also liable to the Tax for the Support of the Workhouse or Foundling Hospital, and under which Houses the Watercourse described in the said Acts runs or should run, or from whence any Water should flow through any Sewer or Drain into the said Watercourse, and upon every House then built or to be built on the Sides of Streets in the said City of *Dublin*, or in the said adjoining Liberties or Baronies, or in the County of *Dublin*, and which Houses were or should be also liable to the Tax for the Support of the Workhouse or Foundling Hospital, the Kennels of which Streets empty and discharge themselves into the said Watercourse, or into any Sewer or Drain communicating with or leading or running into the said Watercourse, a certain Tax not exceeding in any One Year One Shilling in the Pound Sterling of the respective yearly Values or Rents according to which such Houses were or should be respectively chargeable to the Tax for the Support of the said Workhouse or Foundling Hospital, such Tax to be equally rated and assessed, by Warrant under the Hands and Seals of the said Commissioners, upon the several Inhabitants of such respective Houses as aforesaid, provided the Amount of the said Rates, Imposition, or Cess should not exceed the Sum of Three Pounds for any One House in any One Year, and should also rate and assess upon the Dean, Dignitaries, and Prebendaries of the said Cathedral Church of *Saint Patrick*, and on His Majesty’s Castle of *Dublin*, and the Precincts thereof, comprehended within the Places from whence the said Waters descend into the said Watercourse, and through which the said Watercourse runs, such Rate and Assessment as the said Commissioners should think reasonable: And whereas many of the Houses formerly liable to the said Assessment have, by reason of the Change of Levels, and by the Construction of Sewers communicating with the River *Liffey* and not with the said River *Poddle*, ceased to be

' be in Circumstances contemplated by the said Acts as rendering them properly chargeable for the Purposes aforesaid, and others of the said Houses so formerly liable are in many Instances occupied by poor Persons who are unable to bear the same: And whereas the said River *Poddle* has been used as a Drain for Her Majesty's Castle of *Dublin* and for the said Cathedral Church of *Saint Patrick*, and the Precincts thereof respectively, but is in its present State insufficient effectually to drain the same as well as the adjoining District, and the said Castle of *Dublin* and the said Cathedral may thereby sustain considerable Injury; and it is therefore reasonable that a Proportion of the total annual Expence of improving and maintaining the said Drainage should be defrayed by an Assessment on Her Majesty's Castle of *Dublin* and on the said Cathedral: And whereas it is expedient, for the more effectual Execution of the Purposes of the said Acts, to transfer to the Commissioners for paving, cleansing, and lighting the Streets of *Dublin* the Powers and Authorities vested in the Commissioners appointed under the said recited Acts, and to make other Provisions for more effectually carrying the said Acts into execution: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all the Powers, Rights, Duties, and Authorities belonging under the said recited Acts to the Commissioners constituted or appointed thereunder, or by the said recited Acts, or any of them, given to or imposed upon such Commissioners, shall cease to be exercised by the said Commissioners, and shall, save as such Powers, Duties, and Authorities may be by this Act varied or curtailed, be thenceforward transferred to, imposed upon, and vested in and exercised by the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, appointed or hereafter to be appointed under the Provisions of an Act passed in the Forty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for the more effectual Improvement of the City of Dublin and the Environs thereof*, and of another Act passed in the Fifty-fourth Year of the Reign of His said Majesty, intituled *An Act to explain and amend an Act passed in the Forty-seventh Year of His present Majesty's Reign, for the more effectual Improvement of the City of Dublin and the Environs thereof*, who shall therein enjoy all the Powers, Privileges, and Advantages by the said first-recited Acts conferred upon the Commissioners appointed thereunder.

II. And be it enacted, That the Appointments of the Inspector, Collectors, Treasurer, and all other Officers, under the said Two first-recited Acts, shall cease and determine from and after the Commencement of this Act; and that the Duties and Authorities pertaining to their respective Offices shall be respectively exercised and performed by the Supervisors of Works, Collectors of Taxes, Treasurer, or such other Officer

On Commencement of this Act the Commissioners under recited Acts shall cease to exercise the Powers thereby given, which shall be transferred to Commissioners of Paving.

47 G. 3. c. cix.

54 G. 3. c. cccxi.

Appointment of Officers under recited Act to cease, and Duties to be performed by Officers of Commissioners of Paving.

or Officers of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, as they shall direct to perform the same, without any additional Salary or Remuneration, other than such Poundage, not exceeding Sixpence in the Pound, as the said Commissioners shall think fit to allow the Collector or Collectors of the Rates to be imposed under this Act.

Number of Commissioners empowered to act.

III. And be it enacted, That all and every the Powers, of what Nature or Kind soever, by the said Two first-recited Acts vested in the Commissioners appointed thereunder, and hereby transferred to or vested in the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, shall and may be exercised by any Two or more of the said last-mentioned Commissioners, either personally or by Writing under their Hands, or under their Hands and Seals, according to the Nature of the Case; and that all Contracts, Orders, and Proceedings of any Two or more of the said last-mentioned Commissioners shall have the same Force and Effect as if made or done by all the said Commissioners.

Book of Proceedings to be kept.

IV. And be it enacted, That the said Commissioners shall cause their Secretary to enter in a Book or Books to be for that Purpose provided Minutes of all their Proceedings under this Act, and of the Name or Names of the Commissioner or Commissioners present thereat, and that such Minutes shall be signed by the presiding Commissioner; and such Book or Books shall be received as Evidence of the Acts and Proceedings of the said Commissioners in all Courts of Law or Equity.

All Fines and Penalties under recited Act to be recovered by Commissioners of Paving.

V. And be it enacted, That all Fines and Penalties recoverable under the said Two recited Acts of the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, and of the Thirty-sixth Year of His Majesty King *George* the Third, or under this Act, shall and may be sued for and recovered by and in the Name of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, or in the Name of their Secretary for the Time being, and shall, when recovered, be paid to the Treasurer of the said Commissioners, and applied to the Purposes of the said recited Acts and this Act.

Rating Provisions of recited Acts repealed.

VI. And be it enacted, That from and after the Commencement of this Act the herein-before recited Provisions of the said last-recited Acts, authorizing the Commissioners appointed thereunder to lay or impose or levy the Rate, Tax, or Assessment therein mentioned, shall be and the same are hereby repealed.

Rates to be made and levied on Castle of Dublin and Cathedral Church of St. Patrick, and on the Houses affected by the Watercourse.

VII. And in order to raise a Fund to carry the Purposes of the said recited Acts and this Act into execution, in lieu of the said Tax, Rate, or Assessment hereby abolished, be it enacted, That the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, shall, from Time to Time as often as they shall find it necessary after the Commencement of this Act, and they are hereby empowered, to impose and levy such Rate, Tax, or Assessment as they shall think

think sufficient, not exceeding Three hundred Pounds in any One Year, to defray the Expence of carrying the said recited Acts and this Act into execution, upon Her Majesty's Castle of *Dublin* and the Precincts thereof, and upon the said Cathedral Church of *Saint Patrick, Dublin*, and upon all and every the Houses and Tenements situate within the Jurisdiction of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin* under which the said Watercourse called the *Poddle* River runs or shall run, or from whence any Water shall flow through any Sewer or Drain into the said Watercourse, and upon every the Houses and Tenements now built or to be built on the Sides of Streets the Kennels of which Streets empty and discharge themselves directly into the said Watercourse, or into any Sewer or Drain communicating with or leading or running into the said Watercourse; and such Rate, Tax, or Assessment shall be imposed and levied according to and in the Proportions herein-after mentioned; (that is to say,) upon Her Majesty's said Castle of *Dublin*, and the Precincts thereof, a Sum not exceeding One Moiety of the entire Amount of the said Rate, Tax, or Assessment, and upon the said Cathedral Church of *Saint Patrick, Dublin*, a Sum not exceeding One Twelfth Part of the entire Amount of such Rate, Tax, or Assessment, and upon all and every the Houses and Tenements situate and being as aforesaid, a Sum not exceeding Five Twelfth Parts of the entire Amount of such Rate, Tax, or Assessment.

VIII. And be it enacted, That the Rate or Rates so to be assessed on Her Majesty's Castle of *Dublin*, and the Precincts thereof, shall from Time to Time be paid and payable to the said Commissioners under this Act by the Commissioners of Public Works in *Ireland*; and the Rate or Rates to be assessed on the said Cathedral Church of *Saint Patrick, Dublin*, shall from Time to Time be paid and payable to the said Commissioners under this Act by the Treasurer for the Time being of the Dean, Dignitaries, and Prebendaries of the said Cathedral Church, and his and their Successors, out of the Economy Fund of the said Cathedral Church; and in case of Nonpayment shall and may be recovered by all such Ways and Means and Remedies by which any Sum or Sums rated or assessed upon the Dean, Dignitaries, and Prebendaries of the said Cathedral Church of *Saint Patrick, Dublin*, and the said Castle of *Dublin*, or either of them, under the said Two first-recited Acts, or either of them, might or would have been levied or recovered thereunder.

IX. And be it enacted, That the Proportion of such Rate so to be assessed on the Houses and Premises situate and being as aforesaid shall be assessed and levied upon the said several Houses and Tenements rateably according to the net annual Value thereof respectively as the same are now or shall from Time to Time be hereafter valued and rated under an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled

Rate assessed on
Dublin Castle
to be paid by
Board of Works,
and Rate on
Cathedral of
St. Patrick to
be paid by Dean,
&c. out of the
Economy Fund.

Rate to be a
Poundage Rate
on Valuation
for Relief of the
Poor.

1 & 2 Vict. c. 56. *An Act for the more effectual Relief of the destitute Poor in Ireland*; and in making such Assessment for the Purposes of this Act the like Exemptions and Deductions shall be allowed as by the said recited Act of the First and Second Years of Her present Majesty's Reign are directed in respect of the Rate for the Relief of the Poor to be made thereunder.

Rates to be paid by Occupier.

X. And be it enacted, That every Rate made under the Authority of this Act shall be paid to the Person authorized to collect the same by the Person in the actual Occupation of the rateable Property at the Time of the Rate being made from whom such Rate shall be demanded, and on his Default then by the Person subsequently in the Occupation of the rateable Property from whom such Rate shall be demanded.

Rates to be recovered from Persons chargeable therewith in like Manner as under the Acts of 47 and 54 Geo. 3.

XI. And be it enacted, That all the Rates, Taxes, and Assessments by this Act made payable shall and may be recovered from the Person or Persons chargeable therewith as aforesaid by Distress and Sale of the Goods and Chattels of such Person or Persons lying and being on the Premises (save the said Cathedral Church and Castle of *Dublin*) chargeable with such Rate, in like Manner as is provided and directed in and by this Act and the said Two recited Acts of the Forty-seventh Year and the Fifty-fourth Year of His said late Majesty's Reign with respect to any Rates payable under the said Acts.

Power of Distress for Rates.

XII. And be it enacted, That if the respective Person or Persons, Body or Bodies, who are hereby made liable as aforesaid to the Rates assessed or to be assessed by virtue of this Act or the said recited Act, shall neglect or refuse to pay to the Collector of the said Commissioners any Sum or Sums of Money which hath been rated or assessed or which shall be rated or assessed on him, her, or them, or such Body or Bodies, by virtue of this Act, or which they shall be otherwise liable to pay, that then and in any such Case it shall and may be lawful to and for the said Collectors, or any of them, or other proper Officer duly authorized, by Warrant under the Hand and Seal of the Commissioners, to enter into and upon any Part of the Premises (except the said Cathedral Church and the said Castle of *Dublin*) which shall be so in arrear or hereby made liable to Distress, and to distrain the Goods and Chattels which shall be found thereon or therein, and if the same shall not be replevied or Money paid within Eight Days after such Distress made, together with the Costs attending the same, to be ascertained by the Commissioners, to sell the same, or so much thereof as shall be sufficient to answer the said Rates or other Demand, and all Costs attending such Distress and Sale, returning the Overplus (if any) to the Owner or Proprietor of such Goods and Chattels; or the said Commissioners may recover the same by One or more Action or Actions, Bill or Bills, to be brought against such Person or Persons, or against the Treasurer, Secretary, or Clerk belonging to such Body or Bodies, in the Name of the Secretary of the said Commissioners, in any of Her

Her Majesty's Superior Courts in *Dublin*, or by Civil Bill, in the Name of the said Secretary, in the Court of proper Jurisdiction.

XIII. Provided always, and be it enacted, That no House or Premises shall be rated or assessed under this Act which is or shall be valued under this Act at a lesser Sum than Fifteen Pounds net annual Value.

No House under 15*l*. net annual Value to be rated.

XIV. And be it enacted, That where any House or Tenement shall be let in Lodgings to different Persons, and the Persons letting such Lodgings shall not reside in the said House or Tenement, then and in every such Case the Persons letting such Lodging, or the immediate Lessor or Lessors under whom all the different Holdings in such House or Tenement shall be derived, shall be subject and liable to the Payment of the said Tax thereon; and if such Lodgers, or any of them, shall pay the same, or any Part thereof, he, she, or they shall be entitled to deduct the Sum or Sums so paid out of his or her Rent for such Lodgings.

Rates on Lodging Houses to be paid by Landlord.

XV. And be it enacted, That it shall and may be lawful for the said Commissioners, or any Person or Persons authorized by them, at all convenient Times, to inspect the Books of Valuation and Rates made by the Boards of Guardians of the Unions in which any House or Tenement liable to Assessment under this Act shall be situate, in order to ascertain or regulate the Rates and Assessments to be laid and raised by virtue of this Act, and to take Copies and Extracts of and from such Books respectively, which Inspection, Copies, and Extracts the respective Boards of Guardians, their Clerks and other Officers, having the Custody of such Books of Valuation and Rates, are hereby required to permit to be made and taken without any Fee or Reward.

Power to inspect Valuation for Poor Rates.

XVI. Provided always, and be it enacted, That if any of the said Houses or Tenements shall not at the Time of any such Assessment to be made under this Act have been valued for the Rate for the Relief of the Poor as aforesaid, then and in such Case it shall and may be lawful to and for the said Commissioners, by Writing under their Hands, to nominate and appoint any Three Persons conversant in Buildings whom they shall think fit, to make and ascertain a Valuation of such Houses and Tenements, which Valuation shall be returned to the said Commissioners, with a Declaration thereunto annexed, made before any Justice of the Peace for the County of the City of *Dublin*, purporting that such Valuation was made by the said Valuers, according to the best of their Skill and Knowledge, without Partiality or Favour to any Person or Persons concerned or interested therein, according to the Mode pursued and directed by the said recited Act for the Relief of the destitute Poor in *Ireland*, which Valuation so made shall, for the Purposes of this Act only, and for no other Purpose, be deemed Evidence of the annual Value of the same respectively.

All Houses not rated for the Poor to be valued by Commissioners.

XVII. And

Power to enter
Premises to
make Repairs,
&c.

XVII. And be it enacted, That it shall and may be lawful to and for the said Commissioners or their Supervisor, or any other Person or Persons employed or authorized by them, at all convenient Times, to enter any Premises within the Jurisdiction of the said Commissioners which the said Commissioners shall consider necessary for the Purpose of widening, deepening, or cleansing the said River, or the Walls or Arches thereof, so as to render the Sewage and Drainage more effectual, making reasonable Compensation for any Injury thereby done.

Commissioners
may apply their
other Funds to
Purposes of
this Act.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners, in defect of Funds under this Act, from Time to Time to lay out and expend, out of the Monies accruing to or vested in them under the said recited Acts of the Forty-seventh and Fifty-fourth Years of the Reign of His Majesty King *George* the Third, such Sum or Sums of Money, not exceeding in any One Year Three hundred Pounds, as may be required to carry into effect the Purposes of this Act: Provided always, that distinct Accounts shall be kept of all Monies so advanced, and the Purpose to which the same may be applied, and that the same, so soon as conveniently may be after an Assessment shall have been made under this Act, and the Money so assessed shall be received or recovered by the said Commissioners, shall be repaid out of so much of the Monies raised by Assessment under this Act as shall not be required for the carrying into execution the Purposes of the said Two first-recited Acts and of this Act.

Property to vest
in Commissioners
of Paving.

XIX. And be it enacted, That all the Estates and Effects, Real and Personal, and all Debts, Dues (save Arrears of Rates), and all Penalties of or belonging to or recoverable by the said Commissioners appointed under the said Two first-recited Acts in that Capacity, shall, from and after the Commencement of this Act, be and they are hereby given to and vested in and made payable to and recoverable by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and their Successors, who shall have all such Remedies for recovering the said Debts, Dues, and Penalties respectively as by the said recited Acts or by this Act are provided for receiving and recovering any Debts, Dues, or Penalties thereunder; and that all Debts so due by the said Commissioners under the said recited Acts in their Capacity as such Commissioners shall be borne and paid by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, out of the Monies to be raised and levied by virtue of this Act.

Assessments,
&c. to be
handed over to
Commissioners
of Paving.

XX. And be it enacted, That upon the Commencement of this Act the said Commissioners so appointed under the said Two first-recited Acts, and their Secretary, Treasurer, Inspector, and other Officers, shall deliver over to the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, all Assessments, Valuations, Contracts, Books, and other Documents

ments relating to the several Purposes and Objects of the said Acts.

XXI. And be it enacted, That in every Case where by the said first-recited Act any Notice is provided to be given by or to the Inspector under the said Act it shall and may be lawful for the Secretary of the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, and he is hereby authorized and directed, to give or receive such Notice as therein provided, and such Notice shall be of equal Force and Validity as any Notice to be given to or received by the Inspector under the said Act.

Notices required by recited Act to be given by Secretary of Commissioners.

XXII. And be it enacted, That it shall and may be lawful for the said Commissioners under this Act, and their Successors, from Time to Time to contract with a fit Person or fit Persons for all or any Works necessary for the Purposes and Objects of this Act, in like Manner as they are now empowered to do for any Works under the said recited Acts of the Forty-seventh and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third.

Power to contract.

XXIII. And be it enacted, That in the Books of Account of the said Commissioners distinct and separate Accounts shall be kept of the Produce of each and every distinct Tax, Rate, and Assessment hereby imposed, or directed to be raised, levied, or paid, and what Sum or Sums shall have been paid and applied to the Purposes of this Act respectively.

Distinct Accounts to be kept;

XXIV. And be it enacted, That the Accounts of the said Commissioners under this Act shall be subject to the like Audit and Examination in all respects as the other Accounts of the said Commissioners are or shall be by Law subject to.

and to be subject to Audit.

XXV. Provided always, and be it enacted, That if any Person shall think himself or herself aggrieved by any thing done in pursuance of this Act, such Person may apply to the Justices of the Peace at any General Quarter Sessions of the Peace to be held for the City or County of *Dublin*, as the Cause of Complaint shall have arisen, and within Three Calendar Months after such Cause of Action shall have arisen, such Appellant first giving or causing to be given Twenty-one Days Notice at the least in Writing of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Secretary of the said Commissioners, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace of such County or Place, which such Justice is hereby authorized and required to take, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and abide the Order of and pay such Costs as shall be awarded by the Justices of the said Quarter Sessions; and the said Justices at such Sessions shall, upon due Proof of such Notice being given, and of such Recognizance being entered into, hear and determine the Course and Matters of such Appeal in a summary Way, and award such Costs to the Party aggrieved as they shall think proper, and their Determination shall be final and conclusive to all Parties.

Appeal to Sessions.

XXVI. And

Expences of
Act.

XXVI. And be it enacted, That the Costs, Charges, and Expences of preparing and procuring this Act shall be paid by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, out of the first Monies to be received by virtue thereof.

Public Act.

XXVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Commencement
of Act.

XXVIII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *September* One thousand eight hundred and forty.

Act may be
amended this
Session.

XXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LIX.

An Act for the Amendment of the Law of Evidence in
Scotland. [7th August 1840.]

‘ WHEREAS the Law of Evidence in *Scotland* has in certain respects been found inconvenient, and inconsistent with the Ends of Justice, and therefore requires Amendment:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall by the Law of *Scotland* be no Objection to the Admissibility of any Witness that he or she is the Father or Mother, or Son or Daughter, or Brother or Sister, by Consanguinity or Affinity, or Uncle or Aunt, or Nephew or Niece, by Consanguinity, of any Party adducing such Witness in any Action, Cause, Prosecution, or other Judicial Proceeding, Civil or Criminal; nor shall it be competent to any Witness to decline to be examined and give Evidence on the Ground of any such Relationship.

Witnesses ad-
missible not-
withstanding
Relationship to
Party adducing
them.

Examination in
initialibus may
be dispensed
with.

II. And be it enacted, That it shall not be necessary for any Judge in *Scotland*, or for any Person acting as Commissioner, in taking Evidence in any Action, Cause, Prosecution, or other Judicial Proceeding, Civil or Criminal, depending in *Scotland*, to examine any Witness in *initialibus*: Provided always, that it shall nevertheless be competent for any such Judge or Person acting as Commissioner, or the Party against whom the Witness shall be called, to examine any Witness in *initialibus* as heretofore.

Presence in
Court not to
disqualify Wit-
nesses in cer-
tain Cases.

III. And be it enacted, That in any Trial before any Judge of the Court of Session or Court of Justiciary, or before any Sheriff or Stewart in *Scotland*, it shall not be imperative on the Court to reject any Witness against whom it is objected that he or she has, without the Permission of the Court, and without the Consent of the Party objecting, been present in Court during

during all or any Part of the Proceedings; but it shall be competent for the Court, in its Discretion, to admit the Witness, where it shall appear to the Court that the Presence of the Witness was not the Consequence of culpable Negligence or criminal Intent, and that the Witness has not been unduly instructed or influenced by what took place during his or her Presence, or that Injustice will not be done by his or her Examination.

IV. And be it declared and enacted, That in any Action, Cause, Prosecution, or other Judicial Proceeding, Civil or Criminal, where Proof shall be taken, whether by the Judge or a Person acting as Commissioner, it shall be competent for the Party against whom a Witness is produced and sworn *in causâ* to examine such Witness, not in cross only, but *in causâ*.

Examination of Witnesses by the Parties against whom they are produced.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended this Session.

CAP. LX.

An Act to further amend the Church Building Acts. [7th August 1840.]

7487 c 56
8496 c 70

‘ WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King George the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifth Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said Majesty King George the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend and render more effectual an Act passed in the*

58 G. 3. c. 45.
59 G. 3. c. 134.
3 G. 4. c. 72.
5 G. 4. c. 103.
7 & 8 G. 4. c. 72.
1 & 2 W. 4. c. 33.
‘ Seventh

2 & 3 W. 4. c. 61. ' *Seventh and Eighth Years of the Reign of His late Majesty, intituled ' An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes: ' And*

7 W. 4. & 1 Vict. c. 75. ' *whereas another Act was passed in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the Reign of His Majesty King George the Third: And*

1 & 2 Vict. c. 107. ' *whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen Victoria, intituled ' An Act to prolong for Ten Years Her Majesty's Commission for building new Churches: And*

2 & 3 Vict. c. 49. ' *whereas another Act was passed in the First and Second Years of the Reign of Her said Majesty Queen Victoria, intituled ' An Act to amend and render more effectual the Church Building Acts: And*

Commissioners may assign a new District Chapelry or new District Chapelries out of a District Chapelry or Chapelries already formed. ' *whereas another Act was passed in the Second and Third Years of the Reign of Her present Majesty, intituled ' An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other Purposes: And*

whereas it is expedient to further explain and amend some of the Provisions of the said several recited Acts: ' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty's Commissioners for building new Churches to assign a new District Chapelry or new District Chapelries, under the Provisions of the herein-before recited Acts, or some or One of them, with such Consent and in such Manner as is therein required and specified, to any Church or Chapel situated in a District Chapelry which has been or hereafter may be formed under the said recited Acts, or some or One of them, and such new District Chapelry or District Chapelries may be formed out of a Part or Parts of One or more such first formed District Chapelry or Chapelries, with or without any Part or Parts of the Parish or Parishes out of which such District Chapelry or Chapelries may have been formed, and also of any Extraparochial Place, or any Part thereof; and the Right of Nomination to the Chapel or Chapels of such new District Chapelry or District Chapelries shall belong to and be exercised by the Incumbent of the Parish out of which such first assigned District Chapelry shall have been taken, unless the Right of Nomination thereto shall be legally vested in some other Party or Parties, and in that Case such Right of Nomination shall belong to him or them, or to such Party or Parties as shall be agreed upon by him or them and the said Commissioners, with Consent of the Bishop; and the Chapel or Chapels of such new District Chapelry or District Chapelries shall respectively be subject to the Provisions and Regulations contained in the herein-before recited Acts respecting District Chapelries.

Licence in Mortmain not

II. And be it further enacted, That in any Case where, under the herein-before recited Acts or either of them, or of this

this Act, an Endowment, Grant, or Conveyance, consisting of or arising out of Houses, Lands, Tithes, Advowsons, Rent-charges, Tenements, or other Hereditaments, or consisting of Money to be laid out in Lands or other Hereditaments, is authorized to be made, for the Purpose of a Site for any Church or Chapel, or Churchyard, or Parsonage House, or Glebe, or for the Use or Benefit of any Church or Chapel, or of the Incumbent or Minister thereof, or for the Repairs thereof, such Endowment, Grant, or Conveyance, whether made before or after the passing of this Act, shall be good and valid, without any Licence or Writ of *Ad quod damnum*, the Statutes of Mortmain or any other Statute or Law to the contrary notwithstanding.

necessary in Cases of Endowment, Grant, or Conveyance of Houses, Lands, &c., under the Church Building Acts.

III. Provided nevertheless, and be it enacted, That nothing herein contained shall authorize an Exemption from the Provisions of the Mortmain Acts where, in the Case of an Endowment as aforesaid for the Use or Benefit of any Church or Chapel, or of the Incumbent or Minister thereof, such Endowment, whether made at one Period or at different Periods, shall in any One Case exceed in the whole the clear annual Value of Three hundred Pounds.

Mortmain Acts to apply where Endowment exceeds the annual Value of 300*l*.

IV. And be it further enacted, That in every Case in which it shall be desired to ascertain the clear annual Value of such Endowment, it shall be lawful for the said Commissioners or for the Bishop of the Diocese to cause such clear annual Value to be determined and ascertained by any Two Persons whom they or he shall appoint for that Purpose, by Writing under the Common Seal of the said Commissioners, or by Writing under the Hand of the said Bishop, which Writing is hereby directed to be afterwards annexed to the Instrument by which such Endowment shall be effected; and a Certificate of such clear annual Value, written and endorsed on the Instrument by which such Endowment shall be effected, and signed by such Persons as aforesaid, shall for all the Purposes of this Act be conclusive Evidence of such clear annual Value as aforesaid.

Power to determine the clear annual Value of such Endowment.

V. ' And whereas it is expedient that Her Majesty's Commissioners for building new Churches should have the Power, ' with the Consent of the Bishop of the Diocese, to augment, ' out of the surplus Pew Rents of a Church or Chapel, the ' Stipend of the Incumbent or Minister thereof (in respect to ' which Church or Chapel the said Commissioners have made ' or hereafter may make an Order for the Reservation of the ' Pew Rents thereof, and an Assignment thereof of an annual ' Stipend to such Incumbent or Minister, under the Authority ' of the said recited Act passed in the Fifty-eighth Year of ' the Reign of His late Majesty King *George* the Third);' be it therefore enacted, That it shall be lawful for the said Commissioners, if they shall think fit, to direct under their Common Seal, with the Consent of the Bishop of the Diocese under his Hand and Seal, a further Assignment to the Incumbent or Minister of any Church or Chapel, for his Use and

Commissioners, with Consent of the Bishop, may, in certain Cases, augment the Stipend of the Incumbent or Minister of a Church or Chapel out of the surplus Pew Rents.

This Power not to be exercised where surplus Pew Rents have been invested in Government Securities to form a Fund for building or purchasing a Parsonage House, &c.

Boundaries of distinct and separate Parishes, or District Parishes or District Chapelries, may be altered by an Order in Council, on Representation by the Commissioners, with certain Consents.

Benefit, of a Part or of the Whole of the surplus Pew Rents thereof, already accrued or hereafter to accrue, in respect to which Church or Chapel the said Commissioners may have made or hereafter may make, under the said last-mentioned Act, an Order for the Reservation of Pew Rents, and an Assignment thereof to such Incumbent or Minister, any thing in the said recited Acts to the contrary notwithstanding; and every such further Assignment shall be registered in the Registry of the Diocese: Provided always, that the Power herein given shall not be exercised in any Case where such surplus Pew Rents have been invested in Government Securities in the Names of Trustees to be appointed by the Bishop of the Diocese, and suffered to accumulate, for the Purpose of forming a Fund for the building or purchasing a House of Residence, with the Consent of the Bishop of the Diocese, for the Spiritual Person serving such Church or Chapel, or where such surplus Pew Rents have been charged or chargeable by the said Commissioners with the Payment of any Sum or Sums of Money borrowed or advanced by way of Loan at Interest, or by way of Annuity, or otherwise, for or towards the building any such Church or Chapel, or for the purchasing any Site or Sites for same, and defraying all Expences relative thereto, and in keeping such Church or Chapel in repair.

VI. ' And whereas by the said recited Act passed in the ' Fifty-eighth Year of the Reign of His late Majesty King ' *George* the Third it is provided, that by an Order in Council, ' upon the Representation of the said Commissioners made with ' the Consent of the Bishop of the Diocese, the Boundaries of ' a distinct and separate Parish, or of a District Parish, formed ' under the said Act, may be altered within Five Years after ' a Description of such Boundaries has been enrolled in the ' High Court of Chancery; and it is expedient that the Power ' of altering such Boundaries should be enlarged, with certain ' Consents: Be it therefore enacted, That if Her Majesty in Council, upon the Representation of the said Commissioners made with the Consents of the Bishop of the Diocese and of the Patron and Incumbent of the Parish Church, signified under their respective Hands and Seals, shall think fit to alter the Boundaries of a distinct and separate Parish, or a District Parish or a District Chapelry, (formed under the herein-before mentioned Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, or either of them,) at any Time after Five Years from the Time the Description of such Boundaries has been enrolled in the High Court of Chancery, such Order in Council shall be good and valid in Law for the Purpose of effecting such Alteration, any thing in the said recited Act of the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, limiting the Power of making such Alteration in such Boundaries to Five Years from the Time the Description of such Boundaries has been enrolled in the High Court of Chancery,

to

to the contrary notwithstanding; and such Order in Council shall be enrolled and registered in manner directed by the said last-mentioned Act.

VII. And be it further enacted, That if the Consent of the Incumbent as aforesaid is not obtained to such Alteration of Boundaries, such Order in Council on the Representation of the said Commissioners may be made, and shall be good and valid, with the Consents of the Bishop of the Diocese, and the Patron aforesaid, though without the Consent of such Incumbent; provided that such Alteration does not take effect until after the next Avoidance of the Parish Church.

Alteration of Boundaries not to take effect, without Incumbent's Consent, until next Avoidance.

VIII. And be it further enacted, That the Power given to a Select Vestry appointed under the Provisions of the hereinbefore recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, to elect new Members of such Vestry as Vacancies may arise by Death, Resignation, or ceasing to inhabit the Parish, shall be extended to Cases where any such Vestrymen shall neglect to attend the Meetings of such Select Vestry for the Space of Twelve Months, provided such Select Vestry shall have met at least Three Times during such Twelve Months; and in every such Case it shall be lawful for such Select Vestry to declare the Member or Members of such Select Vestry so neglecting to attend no longer a Member or Members of such Vestry, and the Vacancy or Vacancies thereby created shall be filled up in the Manner directed by the said last-mentioned Act with respect to Vacancies arising by Death, Resignation, or ceasing to inhabit the Parish.

Select Vestries under 59 G. 3. c. 134. s. 30. may appoint new Vestrymen where Vestrymen neglect to attend.

IX. And be it further enacted, That so much of the said recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-eight, as requires that when a Church or Chapel shall have been or shall be built by Subscription under that Act, the Nomination or Appointment thereto shall be signified to the said Commissioners for their Consideration, by the major Part in Value of such Subscribers, at the Time of the Application to the said Commissioners, shall be and the same is hereby repealed, so far only that it shall not be necessary for the major Part in Value of the Subscribers to the building and Endowment of such Church or Chapel to declare such Nomination or Appointment to the said Commissioners at the Time of such Application, but the same may be signified by such Subscribers to the said Commissioners for their Consideration at the Time of or subsequently to such Application; provided that the same be so signified before the said Commissioners affix their Common Seal to any Instrument granting the Right of Nomination to such Church or Chapel.

Subscribers to the building and endowing of a Church or Chapel under 1 & 2 W. 4. c. 38. may nominate a Patron to the Commissioners subsequent to the Application.

X. And be it further enacted, That the Right of Patronage already granted with respect to any such Church or Chapel shall not be affected by reason of such Nomination or Appointment not having been sent to the said Commissioners at the same Time as the Application aforesaid.

In case of Neglect to nominate.

Who entitled
to make such
Nomination.

XI. And be it further enacted, That from and after the passing of this Act no Subscriber for a less Amount than Fifty Pounds towards the building or Endowment of any Church or Chapel shall be entitled to join in making such Nomination or Appointment as aforesaid, under the said recited Act, to the said Commissioners or the Bishop of the Diocese.

Amount of
Endowment
necessary where
the Bishop is
authorized to
grant the Pa-
tronage of a
Church built
under 1 & 2 W. 4.
c. 38. and
1 & 2 Vict.
c. 107.

XII. And be it further enacted, That for the Purposes of the said recited Acts passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-eight, and the First and Second Years of Her present Majesty's Reign, Chapter One hundred and seven, an Endowment consisting of Houses or Lands in Fee Simple of the Value of One thousand Pounds at the least, or an Endowment of One thousand Pounds at the least vested in Houses or Lands in Fee Simple, or an Endowment of such a Sum vested in Houses or Lands in Fee Simple as will with a further Investment in the Funds amount to One thousand Pounds at the least, may be taken in those Cases where the Bishop of the Diocese is authorized, if he sees fit, to grant the perpetual Right of nominating a Minister in the Manner specified in the said recited Acts or either of them; provided that where such Endowment consists of Houses or Lands in Fee Simple of the Value of One thousand Pounds at the least, or where such Endowment is composed of such a Sum vested in Houses or Lands in Fee Simple as will, with a further Investment in the Funds, amount to One thousand Pounds at the least, a Certificate shall in each such Case be produced to the Bishop of the Diocese, signed by Two Architects or Surveyors, to the Effect that the actual Value of such Endowment amounts to One thousand Pounds at the least.

Major Part in
Value of Sub-
scribers to a
Church or
Chapel may in
certain Cases
appoint new
Trustees.

XIII. And be it further enacted, That where by the said recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth future Trustees or a future Trustee for any Church or Chapel built and endowed under that Act are directed to be chosen in such Manner as may in the first instance be agreed upon by the Persons building and endowing such Church or Chapel, or the major Part of them, and the Bishop of the Diocese, under their Hands and Seals, in the Place and Stead of any One or more of the Trustees who shall from Time to Time die, resign, or become incapable of acting, and in whom the Right of nominating a Minister to such Church or Chapel shall be vested, the major Part in Value of the Subscribers to the building and endowing such Church or Chapel shall in every such Case be entitled to make such Agreement touching the Appointment of any such future Trustees or Trustee, with the Bishop of the Diocese, under their Hands and Seals, any thing in the said recited Act to the contrary notwithstanding; provided that from and after the passing of this Act no such Subscriber shall be so entitled unless his Subscription shall amount to at least Fifty Pounds, as provided by this Act.

XIV. And

XIV. And be it further enacted, That where a Parish has been divided into separate and distinct Parishes, or a District Parish or District Parishes have been formed out of such Parish, under the Provisions of the said recited Acts, or by any competent Authority, and where no separate Census has been made by Authority of Parliament of the Population of such distinct and separate or District Parishes, the Jurisdiction given by the said recited Acts of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, or of the First and Second Years of the Reign of Her present Majesty, to the said Commissioners, or to the Bishop of the Diocese, (as the Case may be,) to declare the Right of Patronage under such Acts, shall not be invalidated by reason of no such separate Census having been made, whether such Jurisdiction has been or may be exercised before or after the passing of this Act; and that it shall be sufficient in every such Case, with reference to the Amount of Population, to state in the Notices or Copies of Application (required to be served on or sent to the Patron or Incumbent under such Acts, or One of them,) the Amount of the Population according to the last Parliamentary Census of the original Parish; and the Patron and Incumbent of the distinct and separate Parish or District Parish in which the new Church or Chapel built or proposed to be built shall be situate shall in every such Case be considered to be the Patron and Incumbent to whom such Notices or Copies of Application are required to be sent or served under such Acts or One of them; provided that in every such Case where the Bishop of the Diocese claims to have Jurisdiction under the said recited Acts or either of them to grant such Right of Patronage, by reason of the Population of the Parish amounting to Two thousand Persons, with Church Accommodation for not more than One Third of the Inhabitants thereof, the Population of such original Parish shall amount, according to the last Parliamentary Census, to Two thousand Persons at the least; and that the existing Churches and Chapels in such original Parish do not afford Accommodation for more than One Third of the Inhabitants thereof.

XV. And be it further enacted, That for the Purpose of a Fund directed or authorized to be secured for the Repairs of a Church or Chapel built and endowed or to be built and endowed under the said last-mentioned Acts or One of them, a perpetual Rent-charge, equal in Value to the Repair Fund directed or authorized by the said Acts or either of them to be secured for such Purpose, may be made on Lands or other Hereditaments; and it shall and may be lawful for the Incumbent of such Church or Chapel, so soon as the same has been consecrated, and a particular District assigned thereto, under the said recited Act of the First and Second Years of His late Majesty King *William* the Fourth, to accept, take, and hold any such Rent-charge upon the Trusts and for the Intents and Purposes for which the same shall have been or hereafter may be given or granted, by the Person or Persons providing the

Census of original Parish may be used in certain Cases under 1 & 2 W. 4. c. 38. and 1 & 2 Vict. c. 107.

A perpetual Rent-charge for Repairs under 1 & 2 W. 4. c. 38. and 1 & 2 Vict. c. 107. may be secured on Lands, &c. which may be assigned to the Incumbent.

same, in like Manner as any such Repair Fund may now be taken or held by any private Trustee or Trustees; and it shall and may be lawful for any Trustee or Trustees of any such Repair Fund to assign and transfer such Rent-charge to such Incumbent and his Successors, to be held and applied by him or them, or to allow the same to be so applied, upon the same Trusts, Intents, and Purposes as the same previously to such Assignment and Transfer were held by such Trustee or Trustees.

Where a Church, &c. is built in an Extra-parochial Place, and there is no Incumbent, Notices may be sent to the Bishop.

XVI. And be it further enacted, That where a Church or Chapel has been or shall hereafter be built and endowed, under the Provisions of the said last-mentioned Acts or either of them, in any Extra-parochial Place where there is no Incumbent, it shall be sufficient, with respect to the Notices required to be sent or served on the Patron and Incumbent, to send such Notices, with respect to such Extra-parochial Place to the Bishop of the Diocese alone; and such Notices when so sent, shall be deemed to be as good and valid as if the same had been sent to the Patron and Incumbent.

Additional Endowments may be made; but not to be exempted from the Mortmain Acts, where the clear yearly Value of the whole is more than 300*l*.

XVII. And be it further enacted, That an additional permanent Endowment may be at any Time made for the Use or Benefit of any Church or Chapel, or of the Incumbent or Minister thereof, which may have been previously built and endowed under the said last-mentioned Acts or either of them; and such additional Endowment may consist of Houses, Lands, Tithes, Advowsons, Rent-charges, Tenements, or other Hereditaments, or of Money in the Funds, or of Money to be laid out in Lands or other Hereditaments: Provided always, that nothing herein contained shall be construed to extend to the authorizing any such additional Endowment, without the same being subject to the Provisions of the Mortmain Acts, which shall amount, together with the former Endowment or Endowments, in any One Case to more than the clear yearly Value of Three hundred Pounds.

Commissioners, with Consent of Bishop, or Bishop alone, may order the Fees for Ecclesiastical Offices to belong, after next Avoidance of Parish Church, to the Incumbent of the endowed Church or Chapel.

XVIII. And be it further enacted, That in any Case in which the said Commissioners, or the Bishop of the Diocese, as the Case may be, shall hereafter grant the Patronage of any Church or Chapel built and endowed or to be built and endowed under the said recited Acts passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth and in the First and Second Years of the Reign of Her present Majesty, or either of them, and shall hereafter assign a particular District to such Church or Chapel under the said first-mentioned Act, and shall determine under that Act that the Offices of Baptisms, Churchings, or Burials, or some or one of them, shall be performed in such Church or Chapel, it shall be lawful for the said Commissioners, if they think fit, with the Consent in Writing of the Bishop of the Diocese, or for the Bishop of the Diocese alone, as the Case may be, to order and direct that all or a Portion of the Fees arising from the Performance of such Offices, and from the making, opening, or using any Catacombs, Vaults, or Ground for

for Burials of or belonging to such Church or Chapel, shall, from and after the next Avoidance of the Parish Church of the Parish in which such Church or Chapel is situated, belong and be paid to the Incumbent of such Church or Chapel for his own Use and Benefit; and every such Order or Direction shall be good and valid, any thing in the said recited Acts or either of them to the contrary notwithstanding; and every such Order and Direction shall be registered in the Registry of the Diocese.

XIX. And be it enacted, That in every Case in which any Grant shall have been or shall be made of any Land or Ground to the said Commissioners for any of the Purposes of the said recited Acts or of any of them, either for a valuable Consideration being paid for the same, and in which the said Commissioners shall determine to apply a Part only of such Land or Ground to any of the Purposes of the said recited Acts or any of them, it shall be lawful for the said Commissioners and they are hereby authorized and empowered, with the Consent of the Grantor or Grantors or Donor or Donors (as Case may be) of such Land or Ground, or of his, her, or their Heirs or Successors, (which Consent such Grantor or Grantors or Donor or Donors, and his, her, or their Heirs and Successors, whether he, she, or they shall or shall not be under any legal or equitable Disability or Incapacity whatsoever to give such Consent, is and are hereby fully authorized and empowered to give accordingly,) to apply any Part of such Land or Ground which shall not have been or shall not be applied by the said Commissioners for the Purposes of the said recited Acts, or of any of them, to any other Ecclesiastical Purposes, either as Glebe or otherwise, for the Use of the Incumbent or Minister of the Parish, Place, or District in which such Land or Ground is situate, or for the Purpose of any parochial or charitable School or any other charitable or public Purpose relating to any such Parish or Place.

XX. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, if they think proper, to defray the Law Costs and other incidental Expences of amending or consolidating the herein-before recited Acts and this Act, out of any Money in their Hands arising out of Exchequer Bills issued to them under the Provisions of the herein-before recited Acts of the Fifty-eighth Year of the Reign of His late Majesty King George the Third and of the Fifth Year of the Reign of His late Majesty King George the Fourth, or either of them.

XXI. And be it further enacted, That the Provisions contained in an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*, touching the Party or Parties who for the Purposes of such Act shall be in the Cases therein mentioned considered the Patron or Patrons, and the Manner in which the Consent of or the Execution of any Deed or Deeds,

Commissioners may apply Land to Ecclesiastical Purposes or to parochial or charitable Uses.

estimated by 3rd & 4th 38s. 19.

Commissioners may defray the Costs of consolidating the recited Acts and this Act.

The Provisions of 1 & 2 Vict. c. 106, as to the Parties to be considered Patrons, and to the Mode of giving Consents, to apply to this Act.

Instrument or Instruments by or Notice to such Patron or Patrons shall be given or effected, shall apply to the Consent of, or the Execution of any Deed or Deeds, Instrument or Instruments by or Notice to such Patron or Patrons for the Purposes of the herein-before first-recited Acts or this Act.

To what Parts only this Act shall extend.

XXII. And be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

CAP. LXI.

An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in *England*.

[7th August 1840.]

11 G. 4. &
1 W. 4. c. 64.

4 & 5 W. 4. c. 85.

Licence to retail Beer not to be granted to any but the real resident Occupier, nor in respect of any House rated at less than 15*l.* per Annum within the Bills of Mortality, or in Cities, Towns, &c. containing 10,000 Inhabitants ;

nor less than 11*l.* per Annum in Places exceeding 2,500 Inhabitants ;

‘ WHEREAS an Act was passed in the First Year of the
‘ Reign of His late Majesty King *William* the Fourth,
‘ intituled *An Act to permit the general Sale of Beer and Cider*
‘ *by Retail in England*: And whereas another Act was passed
‘ in the Fourth and Fifth Years of the Reign of His said late
‘ Majesty, intituled *An Act to amend an Act passed in the First*
‘ *Year of His present Majesty, to permit the general Sale of Beer*
‘ *and Cider by Retail in England*: And whereas it is expedient
‘ to alter and amend the said Acts:’ Be it therefore enacted by
the Queen’s most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of the same,
That no Licence to sell Beer or Cider by Retail under the said recited Acts or this Act shall be granted to any Person who shall not be the real resident Holder and Occupier of the Dwelling House in which he shall apply to be licensed, nor shall any such Licence be granted in respect of any Dwelling House which shall not, with the Premises occupied therewith, be rated in One Sum to the Rate for the Relief of the Poor of the Parish, Township, or Place in which such House and Premises are situate on a Rent or annual Value of Fifteen Pounds *per Annum* at the least if situated in the Cities of *London* or *Westminster*, or within any Parish or Place within the Bills of Mortality, or within any City, Cinque Port, Town Corporate, Parish, or Place, the Population of which according to the last Parliamentary Census shall exceed Ten thousand, or within One Mile, to be measured by the nearest public Street or Path, from any Polling Place used at the last Election for any Town having the like Population, and returning a Member or Members of Parliament; nor shall any such Licence be granted in respect of any Dwelling House which shall not, with the Premises occupied therewith, be rated in One Sum to the Rate for the Relief of the Poor of the Parish, Township, or Place in which such House and Premises are situate on a Rent or annual Value of Eleven Pounds *per Annum*, if situated within
any

any City, Cinque Port, Town Corporate, Parish, or Place, the Population of which according to such last Parliamentary Census shall exceed Two thousand five hundred and shall not exceed Ten thousand, or within One Mile, to be measured as aforesaid, from any Polling Place used at the last Election for any Town having the like Population as last aforesaid, and returning a Member or Members of Parliament; nor shall any such Licence be granted in respect of any Dwelling House which shall not, with the Premises occupied therewith, be rated in One Sum to the Rate for the Relief of the Poor of the Parish, Township, or Place in which such House and Premises are situate on a Rent or annual Value of Eight Pounds, if situated elsewhere than as aforesaid; and every Licence granted contrary hereto shall be null and void.

nor less than 8*l*. per Annum in Places situated elsewhere.

II. And be it enacted, That every Person who shall apply to be licensed to retail Beer or Cider shall produce to the proper Officer of Excise authorized to grant such Licences a Certificate in Writing from an Overseer of the Township, Parish, or Place in which he shall reside, certifying that such Applicant is the real Resident, Holder, and Occupier of the said House, and also certifying the true Rent or annual Value at which such House, with the Premises occupied therewith, is rated in One Rating to the Poor Rates, according to the last Sum or Rate made and allowed in such Township, Parish, or Place for the Relief of the Poor; and every such Certificate shall be deposited and left with the proper Officer of Excise by whom such Licence shall be granted; and a Duplicate thereof shall be deposited and left with the Clerk of the Peace for the County, Riding, or City within which such Township, Parish, or Place is situate.

Person applying to be licensed to produce a Certificate of his being the real resident Occupier of the House, and of the Amount at which it is rated.

III. Provided always, and be it enacted, That when any Person shall become the Occupier of a House newly erected, and not yet rated, and shall be desirous of taking out a Licence to retail therein Beer and Cider before the making of a new Rate, it shall be lawful for the proper Officer of Excise, if the Applicant shall in other respects be duly qualified, to grant such Licence, on the Certificate of the Overseer of the Poor certifying the Rent or annual Value to be not less than that at which such House, with the Premises occupied therewith, will be rated in One Sum to the Relief of the Poor in the next Rate to be made and allowed, and certifying also that the Applicant has claimed to be rated in respect of the said House and Premises.

Provision for new Houses occupied since a Rate was made.

IV. 'And whereas in some Extra-parochial Places no Assessments are made or Rates collected for the Relief of the Poor, and it is expedient to provide for Persons obtaining Licences in such Places;' be it therefore enacted, That in any Extra-parochial or other Place where no Rates are made or collected for the Relief of the Poor it shall be lawful for the proper Officers of Excise authorized to grant Licences to grant a Licence to any Person to retail Beer or Cider in a Dwelling House, which, with the Premises occupied therewith, shall be

In Extra-parochial Places Licences may be granted on the Certificate of Two Inhabitant Householders of the required annual Values.

of

of the real Rent or annual Value of Fifteen Pounds, Eleven Pounds, or Eight Pounds respectively, according to the Situation thereof as aforesaid; and in such Case the Person applying for such Licence shall produce to and deposit and leave with the proper Officer of Excise granting such Licence a Certificate in Writing, signed by Two Inhabitant Householdors of the Township or Place, certifying that the Party applying is the real Resident in and Occupier of the Dwelling House sought to be licensed, and also certifying the true and real annual Value of the same, with the Premises occupied therewith, according to the best of their Judgment and Belief.

Penalty on Overseers refusing to grant Certificates, and on Overseers and other Persons granting false Certificates.

V. And be it enacted, That every Overseer of the Poor who shall refuse to grant a Certificate of the Rating or Assessment of any rated House and Premises, when demanded, or of any Person having claimed to be rated in respect of any newly-erected House not yet rated, or who shall falsely certify any House to be rated when the same was not duly rated at the Time of the making and Allowance of the last Rate made and allowed for the Relief of the Poor, and every Overseer or other Person who shall falsely certify any Person to be the real Resident, Holder, and Occupier of any House, contrary to the Fact, or falsely certify the Rent or annual Value at which any Dwelling House and Premises shall now or will be rated, or the Rent paid for the same, or the annual Value thereof, or shall grant any Certificate which shall in any other respect be wilfully false, shall forfeit Twenty Pounds.

Penalty on forging Certificates, or using false Certificates.

VI. And be it enacted, That every Person who shall, for the Purpose of obtaining for himself or enabling any other Person to obtain a Licence to retail Beer or Cider, forge or counterfeit any Certificate, or shall produce or make use of any Certificate, knowing the same to be forged or counterfeit, or the Matters certified therein or any of them to be false, shall forfeit Fifty Pounds; and every Licence for the Retail of Beer or Cider obtained by any Person on any such forged, counterfeit, or false Certificate shall, on the Conviction of such Person, be void to all Intents and Purposes, and shall be so adjudged; and every Person who shall be convicted of any of the said Offences shall be disqualified from obtaining any Licence under the said recited Acts or this Act to retail Beer or Cider, either to be drunk and consumed on the Premises or off the Premises.

Licences obtained by false Certificates to be void, and the Persons obtaining them disqualified.

Licences to be void on Conviction of Felony or of selling Spirits without Licence.

VII. And be it enacted, That every Person who shall hereafter be lawfully convicted of Felony, or of selling Spirits without Licence, shall for ever thereafter be disqualified from selling Beer and Cider by Retail, and no Licence to sell Beer and Cider by Retail under the said recited Acts or this Act shall be granted to any Person who shall be so convicted as aforesaid; and if any such Person shall, after having been so convicted as aforesaid, take out or have any Licence to sell Beer or Cider by Retail under the said recited Acts or this Act, the same shall be void to all Intents and Purposes, and every Person who shall, after being convicted as aforesaid, sell any Beer
or

or Cider by Retail, in any Manner whatsoever, shall incur the Penalty for so doing without Licence, and in all such Cases in the Prosecution for the Recovery of such Penalty a Certificate from the Clerk of the Peace, or Person acting as such, of any such Conviction as aforesaid, shall on the Trial in such Prosecution be legal Evidence thereof.

VIII. And be it enacted, That upon the Death of any Person whatever licensed to retail Beer or Cider under the said recited Acts or this Act before the Expiration of the Licence, it shall be lawful for the Person authorized to grant Licences to authorize and empower, by Endorsement or otherwise, as the Commissioners of Excise shall direct, the Executors or Administrators, or the Widow or Child, of such deceased Person, who shall be possessed of and occupy the Dwelling House and Premises before used for such Purpose, to continue to retail Beer and Cider in the same House and Premises during the Residue of the Term for which such Licence was originally granted, without taking out any fresh Licence, or Payment of any additional Duty thereon; and also at the Expiration of such Licence (in case the Residue of the said Term shall be less than Three Calendar Months from the Death of the Person licensed) to grant a new Licence to such Executors, Administrators, or Widow, on Payment of the proper Licence Duty, and entering into the usual Bond.

IX. And be it enacted, That every Person whatever licensed to retail Beer or Cider under the said recited Act or this Act shall, in manner directed by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*, and by another Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*, make Entry with the Officers of Excise of every House, Cellar, Room, and Place for storing, keeping, or retailing Beer or Cider, on pain of forfeiting the Penalties imposed by the said last-mentioned Act for making use of any unentered Room or Place; and all Beer and Cider found in any such unentered House, Cellar, Room, or Place shall be forfeited.

X. And be it enacted, That if any Person licensed to retail Beer or Cider under the said recited Acts or this Act shall receive into or keep or have in his Possession, in any Cellar, Room, or Place entered for storing, keeping, or retailing Beer or Cider, any Wine or Spirits or Sweets, such Person shall, in addition to all other Penalties, forfeit Fifty Pounds, to be recovered and applied under the Powers and Provisions of the said Acts of the Seventh and Eighth Years of the Reign of His said late Majesty King George the Fourth, and the Fourth and Fifth Years of the Reign of His said late Majesty King William the Fourth; and all Wine and Spirits and Sweets found

On the Death of a licensed Person the Executors or Administrators, or the Widow or Child, may be authorized to sell for the Remainder of the Term of Licence.

Persons licensed to retail Beer or Cider to make Entry with the Excise.

7 & 8 G. 4. c. 53.

4 & 5 W. 4. c. 51.

Penalty on Persons licensed to sell Beer or Cider having Wine, Spirits, or Sweets in their entered Premises.

Wine, &c. to
be forfeited.
Licence in such
Case to be void.

Officers of
Excise em-
powered to
enter the Pre-
mises of
licensed Beer
Retailers;

and also the
Houses of
Persons selling
Beer at the
Rate of 1½d.
or less the
Quart.

Additional
Penalty on
unlicensed
Persons selling
Beer or Cider;

to be sued for
by a Peace
Officer.

11 G. 4. &
1 W. 4. c. 64.
s. 14. and
4 & 5 W. 4.
c. 85. s. 6.
repealed.

found in any such entered Cellars, Rooms, or Places shall be forfeited; and on Conviction of any such licensed Person in any Penalty for having Wine or Spirits or Sweets in his Possession, or for selling or retailing Wine or Spirits or Sweets, the Licence of such Person for retailing Beer or Cider shall become null and void, and shall be so adjudged.

XI. And be it enacted, That it shall be lawful for any Officer of Excise, at all Times during the Hours in which any House licensed for the Retail of Beer or Cider may be kept open, to enter into every House, Cellar, Room, or Place entered for the storing, keeping, or retailing of Beer or Cider, and to make Search for and seize all Wine and Spirits and Sweets which may be found in any such House, Cellar, Room, or Place, and to examine all Beer or Cider kept therein.

XII. And be it enacted, That it shall be lawful for any Officer of Excise, during the Hours which any House is kept open for the Sale of Beer after the Rate of One Penny Halfpenny or after a less Rate the Quart, to enter into every such House, Cellar, Room, or Place for the keeping or retailing such Beer, and to make Search for and seize all Wines, Spirits, Sweets, and all Beer which by Law they are not entitled to sell.

XIII. And be it enacted, That if any Person, not being duly licensed to sell Beer or Cider, shall retail any Beer or Cider, either to be consumed in or upon the House or Premises or off the Premises where sold, or if any Person shall sell any Beer or Cider to be consumed in or upon the House or Premises where sold, without being duly licensed so to do, such Person shall, in addition to any Excise Penalty to which he may thereby become subject, forfeit Five Pounds, such Penalty to be recovered in the same Manner as any other Penalty (not being Excise Penalties) are by the said recited Acts or this Act to be recovered, levied, and applied: Provided always, that no Information or other Proceeding for the Recovery of the said Penalty shall be exhibited or commenced except by and in the Name of a Constable or other Officer of the Peace.

XIV. And be it enacted, That so much of the said recited Act of the First Year of the Reign of His said late Majesty as enacts, "that no Person licensed to sell Beer by Retail under this Act shall have or keep his House open for the Sale of Beer, nor shall sell or retail Beer, nor shall suffer any Beer to be drank or consumed in or at such House, at any Time before the Hour of Four of the Clock in the Morning nor after Ten of the Clock in the Evening of any Day in the Week, nor at any Time between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, nor at any Time between the Hours of Three and Five of the Clock in the Afternoon, nor any *Sunday, Good Friday, Christmas Day*, or any Day appointed for a public Fast or Thanksgiving; and that if any such Person shall keep his House open for selling Beer, or shall sell or retail Beer, at any

any Time after the Hour of Ten of the Clock in the Evening or before the Hour of Four of the Clock in the Morning of any Day, or between the Hours of Ten of the Clock in the Forenoon and One of the Clock in the Afternoon, or between the Hours of Three and Five of the Clock in the Afternoon, on any *Sunday, Good Friday, Christmas Day*, or any Day appointed for a public Fast or Thanksgiving, such Person shall forfeit the Sum of Forty Shillings for every Offence, and every separate Sale shall be deemed a separate Offence;" and so much of the said recited Act of the Fifth Year of His said late Majesty's Reign as enacts, "that it shall be lawful for the Justices of the Peace of every County, Riding, Division, Franchise, Liberty, City, Town, and Place, in Petty Sessions assembled, to fix, Once a Year, within Thirty Days after the passing of this Act in that Year, and in every future Year in the Counties of *Middlesex* and *Surrey* within the first Ten Days of the Month of *March*, and in every other County on some Day between the Twentieth Day of *August* and the Fourteenth Day of *September* inclusive, the Hours at which Houses and Premises licensed to sell Beer under this Act shall be open and closed: Provided always, that any Person thinking himself aggrieved by any such Order to be so made may appeal to the Justices of the Peace in Quarter Sessions assembled at any Time within Four Calendar Months after the making of such Order, giving to the Justices by whom such Order shall have been made Fourteen Days Notice of his Intention to appeal; and the Decision of the said Justices so assembled in Quarter Sessions shall be final and conclusive: Provided also, that the Hour so to be fixed for opening any such House shall not in any Case be earlier than Five of the Clock in the Morning, nor for closing the same later than Eleven of the Clock at Night, or before One of the Clock in the Afternoon on *Sunday, Good Friday, Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; and the Hours so fixed from Time to Time by such Justices, with reference to the Districts and Places within their respective Jurisdictions, shall be deemed and taken to be the Hours to be observed and complied with under this Act as fully as if the same had been specially appointed by this Act," shall be and the same is hereby repealed.

XV. And be it enacted, That no Person licensed to sell Beer or Cider by Retail under the said recited Acts or this Act shall have or keep his House open for the Sale of Beer or Cider, nor shall sell or retail Beer or Cider, nor shall suffer any Beer or Cider, to be drank or consumed in or at such House, at any Time before the Hour of Five of the Clock in the Morning nor after Twelve of the Clock at Night of any Day in the Week in the Cities of *London* or *Westminster*, or within the Boundaries of any of the Boroughs of *Mary-le-bone*, *Finsbury*, the *Tower Hamlets*, *Lambeth*, or *Southwark*, as defined by an Act passed in the Second and Third Years of His late Majesty King *William* the Fourth, intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs,*

Hours for
opening and
closing Houses.

repealed in 1842 by 5.21

in England and Wales, in so far as respects the Election of Members to serve in Parliament, nor after Eleven of the Clock within any Parish or Place within the Bills of Mortality, or within any City, Cinque Port, Town Corporate, Parish, or Place, the Population of which, according to the last Parliamentary Census, shall exceed Two thousand five hundred, or within One Mile, to be measured as aforesaid, from any Polling Place used at the last Election for any Town having the like Population, and returning a Member or Members to Parliament, nor after Ten of the Clock in the Evening elsewhere, nor at any Time before One of the Clock in the Afternoon, nor at any Time during which the Houses of Licensed Victuallers now are or hereafter shall be closed, on any Sunday, Good Friday, Christmas Day, or any Day appointed for a Public Fast or Thanksgiving; and if any such Person shall keep his House open for selling Beer or Cider, or shall sell or retail Beer or Cider, at any Time other than as herein-before prescribed and directed, such Person shall forfeit the Sum of Forty Shillings for every Offence, and every separate Sale shall be deemed a separate Offence.

Justices may
mitigate
Penalties.

XVI. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace, when he or they shall see Cause, to mitigate any Penalty incurred for any Offence committed against the said recited Acts or this Act; provided that where any Conviction shall take place on any Information exhibited under the Laws of Excise such mitigated Penalty shall not be less than One Fourth Part of the Penalty.

No Person to
forfeit his
Licence for a
First Offence;
and no Licence
to be void
unless so ad-
judged.

XVII. And be it enacted, That no Person licensed to retail Beer or Cider under the said recited Acts or this Act shall forfeit his Licence for a first Offence against the Tenor or Conditions of his Licence except as herein-before provided; and no such Person shall be deemed to have forfeited his Licence, on any Conviction by any Justices of the Peace for any Offence, unless such Forfeiture shall be adjudged and declared by the Justice or Justices by whom such Person shall be convicted of the Offence in respect of which the Forfeiture shall be incurred; and when any Justices of the Peace shall adjudge and declare the Licence of any Person to be forfeited such Justices shall cause Notice in Writing to be immediately given to the Commissioners of Excise within the Limits of the chief Office of Excise, or to the Collector of Excise out of such Limits, of such Adjudication.

Notice to the
Excise.

Licences may
be granted to
Persons
licensed before
the passing of
the Act whilst
they continue
the Occupiers
of the same
House, al-
though it is
below the
Qualification.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall prevent any Person from obtaining, at the Expiration of his existing Licence, a renewed Licence in respect of any House in which he shall at the Time of the passing of this Act be duly licensed to retail Beer or Cider under the said recited Acts or either of them, notwithstanding such House may not be of the Rent or annual Value by this Act prescribed, nor to oblige such Person to produce any other Certificate (where a Certificate is required) for obtaining his Licence than the Certificate required by the said recited Acts; but it shall be lawful for the Officers of Excise duly authorized

rized to grant Licences to renew and continue to grant Licences to such Person (being in other respects properly qualified) on the Production of such Certificate as last aforesaid, so long as such Person shall continue to be the resident Holder and Occupier of the same House, any thing in this Act to the contrary notwithstanding.

XIX. And be it enacted, That all Penalties and Forfeitures by this Act imposed, except where otherwise specially directed, shall be sued for, recovered, mitigated, and applied in the same Manner and by the same Means as the Penalties imposed by the said recited Acts of the First and Fourth and Fifth Years of the Reign of His late Majesty King *William the Fourth* are directed to be sued for, recovered, mitigated, and applied; and all the Powers, Provisions, Authorities, and Regulations, in the said Acts contained, for the Recovery, Mitigation, and Application of Penalties, shall, except where otherwise specially directed, extend to and be put in force, as to Penalties imposed by this Act, as fully and effectually as if they were herein repeated and re-enacted.

XX. And be it enacted, That all the Provisions of the said Two recited Acts shall be deemed and taken to be in full Force and applicable to this Act, save and except where the Provisions of the said first-recited Act are altered by the Provisions of the said secondly-recited Act, or where the Provisions of either of the said Two Acts are altered by this Act; and that so much of the said first-recited Act as relates to the Interpretation of certain Words therein mentioned shall be applied to the Interpretation of the same Words where used in this Act.

XXI. And be it enacted, That all the Powers, Regulations, Proceedings, Forms, Penalties, Forfeitures, Enactments, and Provisions contained in the said recited Acts, or in either of them, with reference to Persons licensed under either of the said Acts, and to the Offences committed by such Persons against either of the said Acts, or against the Tenor of any Licence granted under the said Acts, and also with reference to the Sureties of such Persons, and to Persons doing the Things thereby prohibited without the Licence required by the said Acts or either of them, shall (except where they are altered by this Act, or are repugnant thereto,) be deemed and taken to be applicable to all Persons licensed under this Act, and to all Offences committed by such Persons of the same Description as the Offences mentioned in the said Acts, and to the Sureties of all such Persons in respect of such Offences, and to all Persons doing, without the Licence required by this Act, Things of the same Description as the Things prohibited without the Licence required by the said recited Acts, as fully and effectually as if all the said Powers, Regulations, Proceedings, Forms, Penalties, Forfeitures, Enactments, and Provisions had been repeated and re-enacted in this Act, with reference to Persons licensed under this Act, and to the Sureties of such Persons, and to Persons acting without the Licence required by this Act; and also that all the Powers, Regulations, and Provisions in the said Acts contained,

Penalties under this Act, where not otherwise directed, to be recovered under the Provisions of the former Acts.

Recited Acts to continue in force, except as hereby altered.

Interpretation of Words.

Powers, Provisions, and Penalties of 11 G. 4. & 1 W. 4. c. 64. and 4 & 5 W. 4. c. 85. to apply to Persons licensed under this Act.

contained, authorizing any Party convicted to appeal to the General Session or Quarter Sessions of the Peace against any Conviction under the said Acts, shall also extend and apply to any Convictions under this Act.

Act not to
affect the Two
Universities.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers and Authorities vested by Charter or otherwise in the Chancellors, Masters, and Scholars of the said Universities, and their Successors, or in the Master, Wardens, Freemen, and Commonalty of the Vintners of the City of *London*; but not to extend to those Freemen of the said Company of Vintners who have obtained the same by Redemption only.

Act may be
altered this
Session.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LXII.

44560 44
An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-one, and to the End of the then next Session of Parliament, and to extend, the Provisions of an Act to provide for the Administration of Justice in *New South Wales* and *Van Diemen's Land*, and for the more effectual Government thereof, and for other Purposes relating thereto. [7th August 1840.]

9 G. 4. c. 83.

‘ WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto*: And whereas the said Act hath been since continued, and by an Act passed in the last Session of Parliament the said Act hath been further continued, with certain Amendments: And whereas the said Act will shortly expire; and it is expedient further to continue the said Act, with such Amendments as are herein-after mentioned:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, as amended by the said Act of the last Session of Parliament, shall continue and be in force until the Thirty-first Day of *December* in the Year One thousand eight hundred and forty-one, and thenceforward to the End of the then next Session of Parliament.

Recited Act
continued.

Provision for
Constitution of
new Colonies.

II. ‘ And whereas the said Colony of *New South Wales* is of great Extent, and it may be fit that certain Dependencies of
‘ the

' the said Colony should be formed into separate Colonies, and Provision should be made for the temporary Administration of the Government of any such newly erected Colony : ' be it therefore enacted, That it shall be lawful for Her Majesty, by Letters Patent to be from Time to Time issued under the Great Seal of the United Kingdom, to erect into a separate Colony or Colonies any Islands which now are or which hereafter may be comprised within and be Dependencies of the said Colony of *New South Wales*.

III. And be it enacted, That in case Her Majesty shall, by any such Letters Patent as aforesaid, establish any such new Colony or Colonies as aforesaid, it shall be lawful for Her Majesty, by any such Letters Patent, to authorize any Number of Persons, not less than Seven, including the Governor or Lieutenant Governor of any such new Colony or Colonies, to constitute a Legislative Council or Legislative Councils for the same; and that every such Legislative Council shall be composed of such Persons as shall from Time to Time be named or designated by Her Majesty for that Purpose, and shall hold their Places therein at Her Majesty's Pleasure; and that it shall be lawful for such Legislative Council to make and ordain all such Laws and Ordinances as may be required for the Peace, Order, and good Government of any such Colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such Laws and Ordinances the said Legislative Council shall conform to and observe all such Instructions as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time make for their Guidance therein: Provided always, that no such Instructions, and that no such Laws or Ordinances as aforesaid, shall be repugnant to the Law of *England*, but consistent therewith, so far as the Circumstances of any such Colony may admit: Provided also, that all such Laws and Ordinances shall be subject to Her Majesty's Confirmation or Disallowance in such Manner and according to such Regulations as Her Majesty, by any such Instructions as aforesaid, shall from Time to Time see fit to prescribe: Provided also, that all Instructions which shall in pursuance hereof be made by Her Majesty, with the Advice of Her Privy Council, and that all Laws and Ordinances which shall be made in pursuance hereof by any such Legislative Council of any such newly erected Colony as last aforesaid, shall be laid before both Houses of Parliament within One Month from the Date of any such Instructions, or from the Arrival in this Kingdom of the Transcripts of any such Laws or Ordinances, if Parliament shall then be in Session sitting, or if not, then within One Month from the Commencement of the next ensuing Session of Parliament.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Her Majesty may appoint a Legislative Council for any new Colony,

who may make Laws for the Government thereof, subject to Confirmation;

and to be laid before Parliament.

Act may be amended.

CAP. LXIII.

An Act to extend the Powers of the Commissioners appointed for the Execution of Two Acts for supporting the several Harbours and Sea Ports in the *Isle of Man*.
[7th August 1840.]

11 G. 3. c. 52.

54 G. 3. c. 143.

Harbour Commissioners empowered to borrow Exchequer Bills or Money at Interest from the Exchequer Bill Loan Commissioners on the Security of the Harbour Duties, &c.

‘ WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for repairing, amending, and supporting the several Harbours and Sea Ports in the Isle of Man*, by which said Act certain Rates and Duties were directed to be raised and levied for the Purpose of repairing and keeping in repair and supporting the several Harbours of the said Island; but such Rates and Duties having been found insufficient for maintaining the said Harbours, another Act was passed in the Fifty-fourth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to repeal the Duties granted by an Act passed in the Eleventh Year of His present Majesty, for repairing, amending, and supporting the several Harbours and Sea Ports in the Isle of Man, and for granting new Duties in lieu thereof, and for giving further Power to the Commissioners appointed under the said Act*, whereby the several increased Rates and Duties were directed to be raised and levied for the Purposes aforesaid in lieu of the said Rates and Duties granted and made payable by the said first-recited Act: And whereas several of the Harbours and Sea Ports in the said Island require Improvements, the Expence of which the said Rates and Duties granted by the said last-recited Act would be inadequate to meet as an entire and immediate Payment; and it is therefore expedient that the Commissioners of the said recited Acts should be authorized to borrow and take up Money at Interest for such Purposes on the Security of the said Rates and Duties:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Commissioners for the Time being acting under or in execution of the said recited Acts, or the major Part of them, (of whom Her Majesty’s Receiver General in the *Isle of Man*, or his Deputy for the Time being, shall always be one,) from Time to Time, or at any One Time, by and with the Consent and Approbation of the Commissioners of Her Majesty’s Treasury, or any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, whenever such Office there shall be, to borrow and take up at Interest of and from the Commissioners for carrying into execution an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, to authorize the

the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in *Great Britain*, in manner therein mentioned, and the several other Acts since passed for amending, continuing, and extending the same, on the Security of the Rates, Duties, Penalties, Forfeitures, Impositions, or other Monies by the said recited Acts granted or authorized to be raised as aforesaid, any Sum or Sums of Money or Exchequer Bills as such Harbour Commissioners, or the major Part of them, (of whom Her Majesty's Receiver General in the *Isle of Man*, or his Deputy for the Time being, shall be one,) with such Consent as aforesaid, shall from Time to Time deem requisite or necessary for the Purposes aforesaid, and by One or more Deed or Deeds under the Hands and Seals of the said Harbour Commissioners, or such Majority of them as aforesaid, to mortgage and charge the said Rates, Duties, Penalties, Forfeitures, Impositions, or other Monies, or any Part or Parts thereof, unto the said Exchequer Bill Loan Commissioners, or to their Secretary for the Time being, for securing to them, the said Exchequer Bill Loan Commissioners, the Repayment of the full Amount of such Exchequer Bills or Money so to be advanced or lent as aforesaid, by Instalments to a sufficient Amount in the whole to repay the Principal Sum so advanced in Exchequer Bills or in Money as aforesaid, within the Period of Twenty Years from the Date of such Advance, the first of which Instalments to commence and be payable within the Period of Five Years from the Date of such Advance at the farthest, together with Interest thereon, or on such Part thereof as shall from Time to Time remain unpaid, at and after the Rate of Five Pounds *per Centum per Annum*, or at such other Rate of Interest as the said Exchequer Bill Loan Commissioners are or shall be empowered to take on or for such Advance or Loan; and that such Mortgage or Charge so to be made to the said Exchequer Bill Loan Commissioners or their Secretary shall be made and prepared in such Form as they the said Commissioners shall order and direct.

II. And be it enacted, That any Security which shall be executed by the said Harbour Commissioners, or by such Majority of them as aforesaid, to the said Exchequer Bill Loan Commissioners or their Secretary, shall not be impeachable on account of any Informality in the Election or Appointment of such Harbour Commissioners, or of any of them, or on account of any Deficiency in Number of the general Body of such Commissioners for the Time being.

III. And be it enacted, That this Act, and the several Powers, Matters, and Authorities herein contained, shall not operate to repeal, annul, restrain, lessen, or abridge all or any of the Powers, Authorities, or Remedies given to or vested in the said Exchequer Bill Loan Commissioners in or by the aforesaid Act passed in the Fifty-seventh Year of the Reign of His said late Majesty King *George the Third*, and the several

Securities not to be affected by certain Informalities.

This Act not to lessen the Power of Exchequer Bill Loan Commissioners under their Acts.

other Acts since passed or to be passed for amending, continuing, or extending the same, or any of them, or any of the Clauses or Provisions in the same Acts or any of them respectively contained or to be contained, in regard to Mortgages or other Charges or Securities executed or to be executed thereunder, or to the Property, Estate, or Effects comprised or to be comprised in such Mortgages or other Charges or Securities.

All Sums to be raised under the Authority of this Act to be applied under the Direction of the Commissioners for repairing, &c. the Harbours of the Island.

IV. And be it enacted, That all and every the Exchequer Bills, Sum or Sums of Money, which shall be borrowed or raised under or by virtue of the Powers or Provisions of this Act, or so much thereof as shall not be required for defraying the Expences of or incident to the raising the same as aforesaid, shall, by the said Harbour Commissioners, or the major Part of them, (of whom the said Receiver General or his Deputy shall always be one,) be applied and disposed of in or for the repairing and amending, improving, enlarging, securing, preserving, and maintaining the said Harbours and Sea Ports in the said *Isle of Man*, and the several Works connected or to be connected therewith, in such Manner as they the said Commissioners, or such major Part of them as aforesaid, shall think proper, according to the true Intent and Meaning of the said recited Acts and of this Act, subject nevertheless to the Control and Direction of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, for the Time being, and to or for no other Use, Intent, or Purpose whatever.

CAP. LXIV.

An Act to continue, until Eight Months after the Commencement of the next Session of Parliament, an Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade.

[7th August 1840.]

‘ WHEREAS an Act was passed in the First and Second Years of the Reign of Her [present Majesty, intituled *An Act to revive and continue until Six Months after the Commencement of the next Session of Parliament, and to amend, an Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties made for the Suppression of the Slave Trade*: And whereas the said Act was further continued by an Act passed in the last Session of Parliament: And whereas it is expedient that the said Act should be further continued:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers, Provisions, Matters, and Things therein contained, shall continue in force until the Expiration of Eight Months after the Commencement of the next Session of Parliament.

1 & 2 Vict.
c. 102.

Recited Act
further con-
tinued.

CAP. LXV.

An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of *England*.

[7th August 1840.]

‘WHEREAS the Jurisdiction of the High Court of Admiralty of *England* may be in certain respects advantageously extended, and the Practice thereof improved:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Dean of the Arches for the Time being to be assistant to and to exercise all the Power, Authority, and Jurisdiction, and to have all the Privileges and Protections, of the Judge of the said High Court of Admiralty, with respect to all Suits and Proceedings in the said Court, and that all such Suits and Proceedings, and all Things relating thereto, brought or taking place before the Dean of the Arches, whether the Judge of the said High Court of Admiralty be or be not at the same Time sitting or transacting the Business of the same Court, and also during any Vacancy of the Office of Judge of the said Court, shall be of the same Force and Effect in all respects as if the same had been brought or had taken place before the Judge himself, and all such Suits and Proceedings shall be entered and registered as having been brought and as having taken place before the Dean of the Arches sitting for the Judge of the High Court of Admiralty.

Dean of Arches
to sit for Judge
of Court of
Admiralty in
certain Cases.

II. And be it declared and enacted, That all Persons who now are or at any Time hereafter may be entitled to practise as Advocates in the Court of Arches are and shall be entitled to practise as Advocates in the said High Court of Admiralty; and that all Persons who now are or hereafter may be entitled to act as Surrogates or Proctors in the Court of Arches shall be entitled respectively to practise and act, or to be admitted to practise and act, as the Case may be, as Surrogates and Proctors in the said High Court of Admiralty, according to the Rules and Practice now prevailing and observed or hereafter to be made in and by the said High Court of Admiralty touching the Admission and practising of Advocates, Surrogates, and Proctors in the said Court respectively.

Advocates,
Surrogates, and
Proctors of
Court of
Arches to be
admitted in the
Court of Ad-
miralty.

III. And be it enacted, That after the passing of this Act, whenever any Ship or Vessel shall be under Arrest by Process issuing from the said High Court of Admiralty, or the Proceeds of any Ship or Vessel having been so arrested shall have been brought into and be in the Registry of the said Court, in either such Case the said Court shall have full Jurisdiction to take cognizance of all Claims and Causes of Action of any Person in respect of any Mortgage of such Ship or Vessel,

Whenever a
Vessel shall be
arrested, or
Proceeds
brought into
Registry, the
Court to have
Jurisdiction
over Claims of
Mortgagees.

Court to decide
Questions of
Title in all
Causes of
Possession,
Salvage, &c.

Appeals may
be made to the
Court of Ad-
miralty on
Distribution.

and to decide any Suit instituted by any such Person in respect of any such Claims or Causes of Action respectively.

IV. And be it enacted, That the said Court of Admiralty shall have Jurisdiction to decide all Questions as to the Title to or Ownership of any Ship or Vessel, or the Proceeds thereof remaining in the Registry, arising in any Cause of Possession, Salvage, Damage, Wages, or Bottomry, which shall be instituted in the said Court after the passing of this Act.

V. And be it enacted, That whenever any Award shall have been made by any Justices of the Peace, or by any Person nominated by them, or within the Jurisdiction of the Cinque Ports by any Commissioners, respecting the Amount of Salvage to be paid, or respecting any Claims and Demands for Services or Compensation, which such Justices and Commissioners within their several Jurisdictions are empowered to decide under the Provisions of Two Acts passed in the Second Year of the Reign of King *George* the Fourth, for remedying certain Defects relative to the Adjustment of Salvage, or whenever any Sum shall have been voluntarily paid on any such Account of Salvage, Services, or Compensation, it shall be lawful for any Person interested in the Distribution of the Amount awarded or paid to require Distribution to be forthwith made thereof, and the Person or Persons by whom such Amount shall be awarded, or in the Case of voluntary Payment the Person by whom the same shall have been received, shall forthwith proceed to the Distribution thereof among the several Persons entitled thereunto, to be certified in the Case of an Award under the Hand of the Person or Persons by whom such Amount shall be awarded, and an Account of every such Distribution shall be annexed to the Award; and if any Person interested in the Distribution shall think himself aggrieved on account of its not being made according to the Award, or otherwise, it shall be lawful for him, within Fourteen Days after the making of the Award, or Payment of the Money, but not afterwards, to take out a Monition from the said High Court of Admiralty, requiring any Person being in Possession of any Part of the Amount awarded or voluntarily paid to bring in the same, to abide the Judgment of the Court concerning the Distribution thereof; and in the Case of an Award the Person or Persons by whom the Award shall have been made shall, upon Monition, send without Delay to the said High Court of Admiralty a Copy of the Proceedings before him and them, and of the Award, on unstamped Paper, certified under his or their Hand; and the same shall be admitted by the Court as Evidence, and the Amount awarded or voluntarily paid shall be distributed according to the Judgment of the Court.

The Court, in
certain Cases,
may adjudicate
on Claims for
Services and
Necessaries,

VI. And be it enacted, That the High Court of Admiralty shall have Jurisdiction to decide all Claims and Demands whatsoever in the Nature of Salvage for Services rendered to or Damage received by any Ship or Sea-going Vessel, or in the Nature of Towage, or for Necessaries supplied to any Foreign

Foreign Ship or Sea-going Vessel, and to enforce the Payment thereof, whether such Ship or Vessel may have been within the Body of a County, or upon the High Seas, at the Time when the Services were rendered or Damage received, or Necessaries furnished, in respect of which such Claim is made.

although not
on the High
Seas.

VII. And be it enacted, That in any Suit depending in the said High Court of Admiralty the Court (if it shall think fit) may summon before it and examine or cause to be examined Witnesses by Word of Mouth, and either before or after Examination by Deposition, or before a Commissioner, as herein-after mentioned; and Notes of such Evidence shall be taken down in Writing by the Judge or Registrar, or by such other Person or Persons, and in such Manner, as the Judge of the said Court shall direct.

Evidence may
be taken vivâ
voce in open
Court.

Admiralty 15th 99

VIII. And be it enacted, That the said Court may, if it shall think fit, in any such Suit, issue One or more Special Commissions to some Person, being an Advocate of the said High Court of Admiralty of not less than Seven Years standing, or a Barrister at Law of not less than Seven Years standing, to take Evidence by Word of Mouth, upon Oath, which every such Commissioner is hereby empowered to administer, at such Time or Times, Place or Places, and as to such Fact or Facts, and in such Manner, Order, and Course, and under such Limitations and Restrictions, and to transmit the same to the Registry of the said Court, in such Form and Manner as in and by the Commission shall be directed; and that such Commissioner shall be attended, and the Witnesses shall be examined, cross-examined, and re-examined by the Parties, their Counsel, Proctors, or Agents, if such Parties, or either of them, shall think fit so to do; and such Commission shall, if need be, make a Special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the said High Court of Admiralty is hereby authorized to institute such Proceedings, and make such Order or Orders, upon such Report, as Justice may require, and as may be instituted or made in any Case of Contempt of the said Court.

Evidence may
be taken vivâ
voce before a
Commissioner.

IX. And be it enacted, That it shall be lawful in any Suit depending in the said Court of Admiralty for the Judge of the said Court, or for any such Commissioner appointed in pursuance of this Act, to require the Attendance of any Witnesses, and the Production of any Deeds, Evidences, Books, or Writings, by Writ, to be issued by such Judge or Commissioner in such and the same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by Her Majesty's Court of Queen's Bench at *Westminster*; and that every Person disobeying any such Writ so to be issued by the said Judge or Commissioner shall be considered as in Contempt of the said High Court of Admiralty, and may be punished for such Contempt in the said Court.

Attendance of
Witnesses and
Production of
Papers may be
compelled by
Subpœna.

Provisions of
3 & 4 W. 4.
c. 42. extended
to Court of
Admiralty.

X. And be it enacted, That all the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the further Amendment of the Law, and better Administration of Justice*, with respect to the Admissibility of the Evidence of Witnesses interested on account of the Verdict or Judgment, shall extend to the Admissibility of Evidence in any Suit pending in the said Court of Admiralty, and the Entry directed by the said Act to be made on the Record of Judgment shall be made upon the Document containing the final Sentence of the said Court, and shall have the like Effect as the Entry on such Record.

Power to direct
Issues.

XI. And be it enacted, That in any contested Suit depending in the said Court of Admiralty the said Court shall have Power, if it shall think fit so to do, to direct a Trial by Jury of any Issue or Issues on any Question or Questions of Fact arising in any such Suit, and that the Substance and Form of such Issue or Issues shall be specified by the Judge of the said Court at the Time of directing the same; and if the Parties differ in drawing such Issue or Issues, it shall be referred to the Judge of the said Court to settle the same; and such Trial shall be had before some Judge of Her Majesty's Superior Courts of Common Law at *Westminster*, at the Sittings at Nisi Prius in *London* or *Middlesex*, or before some Judge of Assize at Nisi Prius, as to the said Court shall seem fit.

Costs of Issues
and Commis-
sions to be in
the Discretion
of the Court.

XII. And be it enacted, That the Costs of such Issues, or of such Commission as aforesaid, as the Judge of the said High Court of Admiralty shall under this Act direct, shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar of the said High Court of Admiralty, in such Manner as the said Judge shall direct, and that Payment of such Costs shall be enforced in the same Manner as Costs between Party and Party may be enforced in other Proceedings in the said Court.

Power to direct
new Trials.

XIII. And be it enacted, That the said Court of Admiralty, upon Application to be made within Three Calendar Months after the Trial of any such Issue by any Party concerned, may grant and direct One or more new Trials of any such Issue, and may order such new Trial to take place in the Manner herein-before directed with regard to the first Trial of such Issue, and may by Order of the same Court direct such Costs to be paid as to the said Court shall seem fit upon any Application for a new Trial, or upon any new Trial, or second or other new Trial, and may direct by whom and to whom and at what Times and in what Manner such Costs shall be paid.

Granting or
refusing new
Trial, Matter of
Appeal.

XIV. And be it enacted, That the granting or refusing to grant an Issue, or a new Trial of any such Issue, may be Matter of Appeal to Her Majesty in Council.

Bills of Ex-
ceptions to be
allowed on
Trials of Issues.

XV. And be it enacted, That at the Trial of any Issue directed by the said High Court of Admiralty, either Party shall have all the like Powers, Rights, and Remedies with respect

respect to Bills of Exceptions as Parties impleaded before Justices may have, by virtue of the Statute made in that Behalf in the Thirteenth Year of the Reign of King Edward the First, with respect to Exceptions alleged by them before such Justices, or by any other Statute made in the like Behalf; and every such Bill of Exceptions, sealed with the Seal of the Judge or Judges to whom such Exceptions shall have been made, shall be annexed to the Record of the Trial of the said Issue.

XVI. And be it enacted, That the Record of the said Issue, and of the Verdict therein, shall be transmitted by the Associate or other proper Officer to the Registrar of the said Court of Admiralty; and the Verdict of the Jury upon any such Issue (unless the same shall be set aside) shall be conclusive upon the said Court, and upon all such Persons; and in all further Proceedings in the Cause in which such Fact is found the said Court shall assume such Fact to be as found by the Jury.

XVII. And be it enacted, That every Person who, if this Act had not been passed, might have appealed and made Suit to Her Majesty in Council against any Proceeding, Decree, or Sentence of the said High Court of Admiralty under or by virtue of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to His Majesty in Council*, may in like Manner appeal and make Suits to Her Majesty in Council against the Proceedings, Decrees, and Sentences of the said Court in all Suits instituted and Proceedings had in the same by virtue of the Provisions of this Act, and that all the Provisions of the said last-mentioned Act shall apply to all Appeals and Suits against the Proceedings, Decrees, and Sentences of the said Court in Suits instituted and Proceedings had by virtue of the Provisions of this Act; and such Appeals and Suits shall be proceeded in in the Manner and Form provided by an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*; and all the Provisions of the said last-mentioned Act relating to Appeals and Suits from the High Court of Admiralty shall be applied to Appeals and Suits from the said Court in Suits instituted and Proceedings had by virtue of the Provisions of this Act: Provided always, that in any such Appeal the Notes of Evidence taken as herein-before provided by or under the Direction of the Judge of the said High Court of Admiralty shall be certified by the said Judge to Her Majesty in Council, and shall be admitted to prove the oral Evidence given in the said Court of Admiralty, and that no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified as aforesaid, but this Proviso shall not enure to prevent the Judicial Committee of the Privy Council from directing Witnesses to be examined and re-examined upon such Facts as to the Committee shall seem fit, in the Manner directed by the last-recited Act.

XVIII. And

Record of the Issue to be transmitted to the Court of Admiralty.

Provisions of 2 & 3 W. 4. c. 92. as to Appeals to apply to Suits in Court of Admiralty under this Act.

3 & 4 W. 4. c. 41. to apply in same Manner.

Certified Notes of Evidence taken may be admitted on Appeal.

Power for
Judge of Ad-
miralty to make
Rules of Court.

XVIII. And be it enacted, That it shall be lawful for the Judge of the said High Court of Admiralty from Time to Time to make such Rules, Orders, and Regulations respecting the Practice and Mode of Proceeding of the said Court, and the Conduct and Duties of the Officers and Practitioners therein, as to him shall seem fit, and from Time to Time to repeal or alter such Rules, Orders, or Regulations: Provided always, that no such Rules, Orders, or Regulations shall be of any Force or Effect until the same shall have been approved by Her Majesty in Council.

Protection of
the Judge of
the Court of
Admiralty.

XIX. And be it declared and enacted, That no Action shall lie against the Judge of the said High Court of Admiralty for Error in Judgment, and that the said Judge shall be entitled to and have all Privileges and Protections in the Exercise of his Jurisdiction as Judge of the said Court which by Law appertain to the Judges of Her Majesty's Superior Courts of Common Law in the Exercise of their several Jurisdictions.

Gaolers to re-
ceive Prisoners
committed by
the Court of
Admiralty or
by Admiralty
Coroners.

XX. And be it enacted, That the Keeper for the Time being of every Common Gaol or Prison shall be bound to receive and take into his Custody all Persons who shall be committed thereunto by the said Court of Admiralty, or who shall be committed thereunto by any Coroner appointed by the Judge of the said Court of Admiralty, upon any Inquest taken within or upon the High Seas adjacent to the County or other Jurisdiction to which such Gaol or Prison belongs; and every Keeper of any Gaol or Prison who shall refuse to receive into his Custody any Person so committed, or wilfully or carelessly suffer such Person to escape and go at large without lawful Warrant, shall be liable to the like Penalties and Consequences as if such Person had been committed to his Custody by any other lawful Authority.

Prisoners in
Contempt may
be discharged.

XXI. And be it enacted, That it shall be lawful for the Judge of the said High Court of Admiralty to order the Discharge of any Person who shall be in Custody for Contempt of the said Court, for any Cause other than for Nonpayment of Money, on such Conditions as to the Judge shall seem just: Provided always, that the Order for such Discharge shall not be deemed to have purged the original Contempt in case the Conditions on which such Order shall be made be not fulfilled.

Jurisdiction
to try Questions
concerning
Booty of War.

XXII. And be it enacted, That the said High Court of Admiralty shall have Jurisdiction to decide all Matters and Questions concerning Booty of War, or the Distribution thereof, which it shall please Her Majesty, Her Heirs and Successors, by the Advice of Her and Their Privy Council, to refer to the Judgment of the said Court; and in all Matters so referred the Court shall proceed as in Cases of Prize of War, and the Judgment of the Court therein shall be binding upon all Parties concerned.

Jurisdiction of
Courts of Law

XXIII. Provided always, and be it enacted, That nothing herein contained shall be deemed to preclude any of Her Majesty's

Majesty's Courts of Law or Equity now having Jurisdiction over the several Subject Matters and Causes of Action hereinbefore mentioned from continuing to exercise such Jurisdiction as fully as if this Act had not been passed. and Equity not taken away.

XXIV. And be it enacted, That this Act may be repealed or amended by any Act to be passed in this Session of Parliament. Act may be amended this Session.

CAP. LXVI.

An Act to make Provision for the Judge, Registrar,
and Marshal of the High Court of Admiralty of
England.
[7th August 1840.]

‘ WHEREAS the present Manner of remunerating the Judge, Registrar, and Marshal of the High Court of Admiralty of *England* ought not to be continued, and it is expedient to make other Provision for the same, and for defraying the other Expences incidental to the said Court:’
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a yearly Salary of Four thousand Pounds shall be paid to the Judge of the said High Court of Admiralty, and such Salary shall be payable quarterly, and shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that any such Judge, after the present Parliament, shall during his Continuance in Office as Judge be incapable of being elected or sitting as a Member of the House of Commons.

Judge of the
High Court of
Admiralty to
be paid by
Salary.

Not to sit in
future Par-
liaments.

II. And be it enacted, That an Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for regulating the Offices of Registrars of Admiralty and Prize Courts*, is hereby repealed, and that the Registrar of the High Court of Admiralty shall receive, out of the Fee Fund herein-after mentioned, a yearly Salary of Fourteen hundred Pounds, instead of all Fees, Dues, Perquisites, Emoluments, and Profits heretofore received by or on account of or for such Registrar as aforesaid: Provided always, that in Time of War or other extraordinary Circumstances causing a great Increase of Business in the Office of Registrar of the Court it shall be lawful for Her Majesty, on the Recommendation of the Judge of the High Court of Admiralty, to direct that the yearly Salary of the said Registrar be increased to such Sum, not exceeding Two thousand Pounds, as Her Majesty shall be pleased to direct; and such increased Salary shall thenceforward continue to be paid to the said Registrar, instead of his Salary as fixed by this Act, and subject to all the Provisions respecting the same, until Her Majesty shall be pleased to direct that such increased Salary be again reduced.

Repeal of
50 G. 3. c. 118.

Registrar to be
paid by Salary.

III. And

Appointment
of Registrar.

III. And be it enacted, That the Person last before the passing of this Act executing the Duties of Deputy Registrar of the said Court shall be the First Registrar thereof under and by virtue of this Act, and he shall hold the same during his good Behaviour, subject to be removed by the Judge of the said Court for good and reasonable Cause, such Removal to be approved of by the Lord High Admiral of the United Kingdom of *Great Britain and Ireland* for the Time being, or by the Lords Commissioners for executing the Office of Lord High Admiral, as the Case may be; and every Registrar hereafter to be appointed for the said High Court of Admiralty shall be appointed, and for good and reasonable Cause be removeable by the Judge of the said Court, such Appointment and Removal respectively being subject to the Approbation of the said Lord High Admiral or the said Lords Commissioners, as the Case may be; and every such Registrar shall be taken from among Proctors practising in the said Court, and of Ten Years standing at least.

Registrar shall
attend the Privy
Council at the
Hearing of
Causes and
Appeals instead
of the Registrar
of the Court of
Chancery.

IV. Provided always, and be it further enacted, That the first Registrar under and by virtue of this Act, and every Registrar to be hereafter appointed, shall, subject to such Orders as Her Majesty in Council shall from Time to Time make, attend the hearing by the Judicial Committee of the Privy Council of all Causes and Appeals which the Registrar of the High Court of Admiralty was entitled to attend in Person or by Deputy by virtue of his Office of Registrar of the High Courts of Admiralty, Delegates, and Appeals for Prizes, before the passing of an Act passed in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in Her Majesty's Privy Council*, and likewise shall, subject to any Order of Her Majesty in Council, transact, perform, or do all Acts, Matters, and Things that shall be found necessary or have heretofore been done by the said Registrar or his Deputies in respect of such Causes and Appeals.

3 & 4 W. 4. c. 41.

Marshal to be
paid by Salary.

V. And be it enacted, That the Marshal of the High Court of Admiralty shall receive out of the Fee Fund herein-after mentioned a yearly Salary of Five hundred Pounds, besides such travelling and other Expences necessarily incurred in the Execution of his Duty as the Judge of the Admiralty Court, with the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, shall allow, instead of all Fees, Dues, Perquisites, Emoluments, and Profits heretofore received by or on account of such Marshal: Provided always, that in Time of War and other extraordinary Circumstances causing a great Increase in the Business of the Office of Marshal of the Court, it shall be lawful for Her Majesty, on the Recommendation of the Judge of the Court, to direct that the yearly Salary of the Marshal be increased to such Sum, not exceeding Eight hundred Pounds, as Her Majesty shall be pleased to direct; and such increased Salary shall thenceforward continue to be paid to the Marshal instead of his Salary

Salary may be
increased in
Time of War.

as fixed by this Act, and subject to all the Provisions respecting the same, until Her Majesty shall be pleased to direct that such increased Salary be again reduced.

VI. And be it enacted, That the Judge of the High Court of Admiralty, subject to the Approval of the Lord High Admiral, or any Three or more of the Commissioners for executing the Office of Lord High Admiral, shall appoint so many Officers as he shall think necessary for executing the Process of the said Court, and also so many Clerks and Servants as he shall think necessary for carrying on the Business of the said Court; and the said Judge, with the like Approval, may remove, at pleasure, all or any of the Clerks, Officers, and Servants so appointed; and the Commissioners of Her Majesty's Treasury shall fix the Salaries of all such Clerks and Servants; and the Officers for executing the Process of the Court shall be paid such Allowances, and such travelling and other Expences necessarily incurred in the Execution of their Duty, as the Judge of the Admiralty Court, with the Approbation of the Commissioners of Her Majesty's Treasury, shall allow; and the Salaries of all the Clerks and Servants, and all such Allowances and Expences, and all other Expences of carrying on the Business of the said Court, not otherwise provided for, shall be paid out of the Fee Fund herein-after mentioned, and shall be allowed in the Account to be rendered by the Registrar as herein-after provided.

Clerks, &c. to be appointed by Judge, subject to Approval of Lord High Admiral.

VII. And be it enacted, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of *Great Britain*, to give and grant an Annuity, not exceeding the yearly Sum of Two thousand Pounds, to any Person who shall have executed the Office of Judge of the High Court of Admiralty, and shall have resigned the same, to be paid quarterly, and to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, such Annuity to commence from the Time at which such Judge of the said Court shall have resigned his said Office, and to continue thenceforth during the natural Life of the Grantee: Provided always, that no such Annuity shall be granted unless either the Grantee shall have been Judge of the said Court during at least Fifteen Years, or unless such Person shall be afflicted with some permanent Infirmary disabling him from the due Execution of his said Office, which shall be expressly recited in the Grant: Provided also, that if the Grantee of any such Annuity shall hold any other Office of Profit under Her Majesty he shall be entitled to receive so much only of the said Annuity as, together with the Salary and Profits of such other Office, shall not exceed the Sum of Two thousand Pounds.

Retiring Pension to Judge.

VIII. And be it enacted, That the said Salaries and Annuities shall be paid, free and clear of all Fees, Taxes, and Charges whatsoever, by Four equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year: Provided that the Payment to be made in each Case on the first of the said quarterly Days which shall happen after the Accrual of the

Salaries and Annuities how to be paid.

the Right thereunto of the Person receiving the same under this Act shall be a rateable Proportion of a Quarter's Salary according to the Time then elapsed since the Accrual of such Right; and in case of Vacancy in the Office of any Judge, Registrar, or Marshal, or of any Clerk, Officer, or Servant, receiving a Salary under this Act, whose Salary is fixed by this Act, of the High Court of Admiralty, the Person making the Vacancy, his Executors or Administrators, shall be entitled to a proportional Part of his quarterly Salary according to the Time elapsed between the Vacancy and the last quarterly Payment.

Office of Registrar not to be executed by Deputy.

IX. And be it enacted, That the Office of Registrar of the High Court of Admiralty shall not in future be executed by Deputy, except in case of Illness or Absence for any Cause to be allowed by the Judge, but the Person appointed Registrar shall, by himself, or with an Assistant, in case an Assistant shall be necessary, personally execute the Duties thereof: Provided always, that the Judge, Surrogate, Commissioner, or other Substitute of the Judge, may, according to the established Law and Practice of the said Court, from Time to Time, and as Occasion may require, assume an Actuary for the Purpose of recording Acts: Provided also, that the said Registrar may, with the Approbation of the Judge, from Time to Time appoint such and so many Proctors of the said Court as may be deemed necessary, to be Examiners thereof.

Appointment of Deputy Registrar in case of Illness, &c.

X. And be it enacted, That it shall be lawful for the said Registrar, from Time to Time as Occasion may require, to appoint a Deputy or Assistant, being a Proctor of the said Court, to act for the said Registrar, in case of his Absence from Illness or other reasonable Cause allowed by the Judge, such Deputy or Assistant to be first approved by the Judge of the High Court of Admiralty; and no such Deputy or Assistant shall continue to act for any longer Time than shall be allowed and specified in and by the Order which shall be made by, on each Occasion, the Judge of the High Court of Admiralty: Provided that in case any Registrar of the said Court who shall be prevented by Illness from giving his personal Attendance shall omit for the Space of Two Days to appoint such Deputy or Assistant, the Judge of the High Court of Admiralty shall, if he shall see fit, himself appoint such Deputy or Assistant, and direct what Part of the Salary of such Registrar shall be received by such Deputy or Assistant, and the same shall be paid over to and received by him accordingly.

Judge of Admiralty may direct the Appointment of an Assistant Registrar;

XI. And be it enacted, That at any Time when the State of the Business of the said Court shall appear to require the Appointment of an Assistant Registrar, the Judge of the High Court of Admiralty may direct the Registrar to make such Appointment; and such Assistant Registrar, being one of the Proctors of the said Court, shall thereupon be appointed by the Registrar, subject to the Approval of the Judge of the Court, and for such Time as the Judge may think necessary, and shall be entitled to receive a Salary, not exceeding Twelve hundred Pounds,

his Salary.

Pounds, as Her Majesty shall be pleased to direct, which Salary in either Case shall be paid out of the same Fund and be subject to the same Provisions as are herein enacted with respect to the Payment of the Salary of the Registrar.

XII. Provided always, and be it further enacted, That the Judge of the High Court of Admiralty shall cause to be laid on the Table of the House of Commons, within Fourteen Days of making the Increase of Salaries or the Appointments hereinafter mentioned, if Parliament shall be then assembled, or if Parliament shall not be sitting then within Fourteen Days next after the assembling thereof, an Account of all Increase of Salaries made under the Authority of this Act, and of all Appointments of Officers, Clerks, and Servants made under this Act, by the said Judge, with the Consent or Approbation of the Lord High Admiral or Commissioners for executing the Office of the Lord High Admiral, or by the Registrar with the Consent or Approbation or by the Direction of the said Judge, with an Account of the Salaries directed to be paid to such Officers, Clerks, and Servants.

Account of Increase in Salaries and Appointments to be laid on the Table of the House of Commons.

XIII. And be it declared and enacted, That it shall be lawful for Her Majesty to regulate the Fees of the said Court, and to amend and alter the Table of Fees therein, as by Her Majesty, with the Advice of Her Privy Council, shall be thought fit.

Her Majesty may alter the Table of Fees.

XIV. And be it enacted, That the Registrar of the High Court of Admiralty shall, on or before the Twentieth Day of *January* in every Year, render to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, upon Oath, to be sworn before the Judge of the High Court of Admiralty or a Surrogate of the said Court, a true Account in Writing of the gross and net Amount of all such Fees and Emoluments as shall have become due in the preceding Year ending on the Fifth Day of *January* on account of the Judge of the said Court, by virtue of his Office as such Judge, or on account of the Marshal or any other Officer of the said Court, specifying the Particulars of the Payments, Disbursements, Allowances, and Charges constituting the Difference between such gross and net Amounts, and also a like Account of all the Fees, Dues, Perquisites, Emoluments, and Profits received by or on account of or for the Registrar of the said Court of Admiralty; and the Marshal, Seal-keeper, and every other Officer of the Court, in the Receipt of any Fees for Business done in the said Court, shall render to the Registrar upon Oath, to be sworn before the Judge or a Surrogate of the Court, a true Account in Writing of all the Fees respectively received by each of them, at such Times and subject to such Regulations as the Judge of the Court from Time to Time shall think fit to direct.

Registrar to account annually for all Fees received by him.

XV. And be it enacted, That all the Fees so received on account of the Judge and Marshal or any other Officer of the Court of the said High Court of Admiralty, and also all the Fees,

Fees to be carried to Fee Fund.

Fees, Dues, Emoluments, Perquisites, and Profits received by or on account of the said Registrar after the Expiration of the Interest at present vested in Possession in the said Office of Registrar, shall be carried by the Registrar to an Account to be opened and kept in the Bank of *England* of a Fund to be called "The Fee Fund of the High Court of Admiralty;" and out of the said Fee Fund there shall be paid by the said Registrar, at the Times and in the Manner herein-before directed, the Salaries of the Registrar, Assistant Registrar, and Marshal, and of the Clerks, Officers, and Servants of the said Court, and all Expences of holding and carrying on the Business of the said Court not otherwise provided for; and in case there shall be at any Time a Deficiency in the said Fee Fund, so that the same shall not be sufficient to discharge the several Salaries and Sums of Money herein-before charged thereon, the Judge of the High Court of Admiralty shall, by Writing under his Hand and Seal, certify to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury, the Amount of such Deficiency; and the Lord High Treasurer, or any Three of such Commissioners, shall forthwith, upon the Receipt of such Certificate, direct that there be issued and paid out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Principal or Deputy Registrar of the said Court, on account of the Fee Fund of the said Court, such a Sum of Money as shall be sufficient to cover the Deficiency so certified to them as aforesaid.

Surplus to be paid to the Consolidated Fund.

XVI. And be it enacted, That when and so often from Time to Time as the said Fee Fund shall amount to such a Sum as shall be sufficient to pay all the Salaries and Sums of Money herein-before charged thereupon, and there shall be a Surplus remaining after such Payment, the Registrar of the High Court of Admiralty shall, once in every Quarter of a Year, (that is to say,) on or before the Twentieth Day of *April*, the Twentieth Day of *July*, the Twentieth Day of *October*, and the Twentieth Day of *January*, pay such Surplus (if any) into the Bank of *England*, to the Credit of Her Majesty's Exchequer, to the Account of the said Consolidated Fund.

Treasury, by Warrant, to direct Payments out of Consolidated Fund.

XVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby authorized and required, by Warrant under their Hands or the Hands of any Three of them, to direct the several Payments aforesaid to be made out of the Consolidated Fund as herein-before prescribed.

Judge and Registrar to receive no Fees on their own Account.

XVIII. And be it enacted, That neither the Judge, nor any future Registrar, Assistant Registrar, or Marshal of the High Court of Admiralty, shall be entitled to, or take for his own Use or Benefit, directly or indirectly, any Fee or Emolument whatsoever, save the Salary, Allowance, or Annuity to which he shall be entitled by virtue of this Act.

XIX. And

XIX. And be it enacted, That in case the said Lord High Treasurer, or any Three or more Commissioners of Her Majesty's Treasury, for the Time being, shall be dissatisfied with any Account to be rendered to them as aforesaid, it shall be lawful for him or them to refer the same to the Judge of the High Court of Admiralty and to the Dean of the Arches, or to either of them, who shall thereupon, by such Ways and Means and by the Examination of such Persons as they or he shall think fit, and upon Oath, if they or he shall think the same necessary, (which he or they is and are hereby authorized to administer,) inquire into the said Accounts, or any Entry therein, and all or any of the Disbursements, Allowances, or Charges therein contained, and make such Allowances and Disallowances therein as he or they shall think reasonable, and shall finally settle and certify in Writing the net Amount of the Fees and Emoluments to which such Account relates.

Accounts may be referred to Judge of Court of Admiralty and to Dean of Arches.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended.

CAP. LXVII.

An Act for carrying into effect the Treaty between Her Majesty and the Republic of *Venezuela*, for the Suppression of the Slave Trade.

[7th August 1840.]

‘ WHEREAS on the Fifteenth Day of *March* in the Year of our Lord One thousand eight hundred and thirty-nine a Treaty was concluded and signed at *Caracas*, between Her Majesty the Queen of the United Kingdom of *Great Britain and Ireland* and the Republic of *Venezuela*, for the Suppression of the Slave Trade: And whereas by the First Article of the said Treaty *Great Britain* and the Republic of *Venezuela* declare the Traffic in Slaves abolished for ever; and in order to avoid any Doubts that may hereafter occur from any Circumstances proving prejudicial to the Interest of Commerce and Navigation, for Want of a proper Explanation of the real Spirit of the Phrase “Traffic in Slaves,” the said Contracting Powers thereby mutually declare it to be understood by such Traffic, such only which is carried on in Negroes brought from *Africa*, in order to transport them to other Parts of the World for Sale, but in no Manner whatever the conveying from one Port or Place to another belonging to the Republic the Slaves existing within it, be such undertaken either with the Object of selling them, or with any other not prohibited by the Laws: And whereas by the Second Article it was agreed by the Republic of *Venezuela* to preserve in force the Provisions of the Law of the Eighteenth of *February* One thousand eight hundred and twenty-five, the Object of which was to declare as Pirates, and punish with the Pain of Death, all such *Venezuelans*, who, on

' the High Seas or in any other Place under the Jurisdiction
 ' of the Republic, may be found embarking, transporting, or
 ' disembarking One or more Persons brought from *Africa*
 ' as Slaves: And whereas by the Third Article it was agreed,
 ' that although the Law just cited had produced the desired
 ' Effect in not having been infringed by any *Venezuelan* up
 ' to the Time of the said Treaty, *Venezuela* notwithstanding
 ' will promulgate every other Legislative Provision that may
 ' be deemed requisite for the Prevention of her Citizens
 ' engaging in any way in the said Traffic in Slaves, and
 ' for the complete Extinction thereof, seeing that the same
 ' are in harmony with those which may be promulgated by
 ' *Great Britain* for the like Object: And whereas by the Fourth
 ' Article Her Majesty the Queen of *Great Britain* and *Ireland*
 ' and the Republic of *Venezuela* mutually engaged to specify,
 ' by an additional Convention hereafter to be concluded be-
 ' tween the Contracting Parties, the Acts which constitute
 ' Piracy, in which will be comprehended the Traffic in Slaves;
 ' and that after the Conclusion of such Convention the Legis-
 ' lative Power of each Country shall promulgate, with as little
 ' Delay as possible, Laws for the Punishment of the said Acts
 ' committed by the respective Subjects or Citizens of either
 ' Nation: And whereas by the Fifth Article it was agreed
 ' that the mutual Right of Search might be exercised by the
 ' Ships of War of the respective Powers on board the Vessels
 ' of each Nation, but only within the Waters herein-after
 ' described; namely,

' First. Along the Western Coast of *Africa*, from
 ' *Cape Verd* to the Distance of Ten Degrees to the South
 ' of the Equator; that is to say, from the Tenth Degree
 ' of South Latitude to the Fifteenth Degree of North
 ' Latitude, and as far as the Fortieth Degree of East
 ' Longitude, reckoning from the Meridian of *Caracas*.

' Second. All round the Island of *Madagascar* to the
 ' Extent of Twenty Leagues from that Island.

' Third. The same Distance from the Coast of the
 ' Island of *Cuba*.

' Fourth. The same Distance from the Coasts of the
 ' Island of *Puerto Rico*; and

' Fifth. The same Distance from the Coasts of *Brazil*.
 ' It was however understood that a suspected Vessel descried
 ' and begun to be chased by the Cruizers whilst within the said
 ' Space of Twenty Leagues might be searched by them beyond
 ' those Limits, if, without ever having lost Sight of her, they
 ' should only succeed in coming up with her at a greater Dis-
 ' tance from the Coast: And whereas by the Sixth Article it was
 ' agreed that the Cruizers might detain Vessels trafficking in
 ' Slaves, be it that they have been fitted out with this Object,
 ' or that during the Voyage on which they are met with they
 ' may have been employed in the before-mentioned Traffic,
 ' in contravention of what is stipulated in the present Treaty,
 ' and might send or conduct them to those Places where they
 ' might

‘ might be brought before the public Tribunals that take cognizance of Piracy, according to the Laws of the respective Countries; it was, however, not by this to be understood, that *Venezuela* was obliged to fit out Cruizers expressly to aid in the Pursuit of Vessels engaged in the Traffic in Slaves: And whereas, in order to regulate the Mode of carrying into effect the Provisions of the Two preceding Articles, the Contracting Parties by the Seventh Article agreed,—

‘ First. That all Ships of the Navies of the Two Nations which should be hereafter employed to prevent the Traffic in Slaves should be furnished by their respective Governments with a Copy of the present Treaty in the *English* and *Spanish* Languages, and also of the Instructions for Cruizers annexed thereto, which Annex was to be considered as an integral Part of this Treaty.

‘ Second. That *Great Britain* should communicate from Time to Time to *Venezuela* the Names of the several Ships furnished with such Instructions, the Force of each, and the Names of their respective Commanders, and the same to be done by *Venezuela* towards *Great Britain* whenever Cruizers on her Part should be established with the like Object.

‘ Third. That if at any Time there shall be just Cause to suspect that any Merchant Vessel under the Flag and proceeding under Convoy of any Ship or Ships of War of either of the Contracting Parties was engaged or intended to be engaged in the Traffic in Slaves, or was fitted out for that Purpose, or was, during the Voyage in which she might be met with, engaged in the Traffic in Slaves, it shall be lawful for the Commander of any Ship of the Navy of either of the Two Contracting Parties to visit the said Merchant Vessel, provided such be done within the Limits specified in the said Fifth Article of this Treaty; and such Commander should proceed to effect the same in Communication with the Commanding Officer of the Convoy, who it was thereby agreed should give every Facility to such Visit, and to the eventual Detention of such Vessel, and in all Things should assist to the utmost of his Power in the due Execution of the present Treaty.

‘ Fourth. It was further mutually agreed, that the Commanders of the Ships of the Two Navies who should be employed on this Service should adhere strictly to the exact Tenor of the aforesaid Instructions annexed to the said Treaty:

‘ And whereas by the Eighth Article the Contracting Parties engaged mutually to make good any Losses which their respective Subjects or Citizens might incur by the arbitrary or illegal Detention of their Vessels, it being understood that this Indemnity shall invariably be borne by the Government whose Cruiser shall have been guilty of such arbitrary and illegal Detention; agreeing likewise that the Visit and Detention

' tion of Vessels specified in the Fifth and Sixth Articles of
 ' the said Treaty can only be executed by *British* and *Vene-*
 ' *zuelan* Ships of War, and by those only which are furnished
 ' with the Special Instructions annexed to the said Treaty for
 ' its complete Execution: And whereas by the Ninth Article
 ' it was agreed that in case the Commanding Officer of any
 ' of the Ships of the Navies of *Great Britain* and *Venezuela*
 ' respectively, duly commissioned according to the Provisions
 ' of the Fifth and Sixth Articles of the said Treaty, should
 ' deviate in any respect from the Stipulations of the said Treaty,
 ' or from the Instructions annexed to it, the Government
 ' which shall conceive itself to be wronged thereby shall be
 ' entitled to demand Reparation; and in such Case the Go-
 ' vernment to which such Commanding Officer may belong
 ' binds itself to cause Inquiry to be made into the Subject
 ' of the Complaint, and to inflict upon the said Officer a
 ' Punishment proportionate to the Transgression committed:
 ' And whereas by the Tenth Article it was further agreed,
 ' that every Merchant Vessel, *British* or *Venezuelan*, which
 ' should be visited by virtue of what is expressed in the Fifth,
 ' and Sixth Articles of the said Treaty, might lawfully be
 ' detained, and sent or brought before the corresponding Tri-
 ' bunal of the Nation to which she belongs, if in her Equip-
 ' ment there shall be found any of the Things herein-after
 ' mentioned; (namely,)

' First. Hatches with open Gratings, instead of the
 ' close Hatches which are used in Merchant Vessels.

' Second. Divisions or Bulk Heads in the Hold or
 ' on Deck, in greater Number than are necessary for
 ' Vessels engaged in lawful Trade.

' Third. Spare Planks fitted for laying down as a
 ' Second or Slave Deck.

' Fourth. Shackles, Bolts, and Handcuffs.

' Fifth. A larger Quantity of Water in Casks or in
 ' Tanks than is requisite for the Consumption of a Crew
 ' of the Vessel as a Merchant Vessel.

' Sixth. An extraordinary Number of Water Casks or
 ' of other Vessels for holding Liquid, unless the Master
 ' shall produce a Certificate from the Custom House at
 ' the Place from which he cleared Outwards, stating
 ' that a sufficient Security had been given by the Owners
 ' of such Vessel that such extra Quantity of Casks or
 ' other Vessels should only be used to hold Palm Oil, or
 ' for other Purposes of lawful Commerce.

' Seventh. A greater Quantity of Mess Tubs or Kids
 ' than are requisite for the Use of the Crew of the Vessel
 ' as a Merchant Vessel.

' Eighth. A Boiler of an unusual Size, and larger
 ' than requisite for the Use of the Crew of the Vessel as a
 ' Merchant Vessel; or more than One Boiler of the
 ' ordinary Size.

' Ninth. An extraordinary Quantity either of Rice,
 ' of

‘ of the Flour of *Brazil*, of Manioc or Casava, commonly
 ‘ called *Farinha*, of Maize, or of Indian Corn, beyond
 ‘ what might probably be requisite for the Use of the
 ‘ Crew; such Rice, Flour, Maize, or Indian Corn not
 ‘ being entered on the Manifest as Part of the Cargo for
 ‘ Trade.

‘ Any One or more of these several Circumstances, if
 ‘ proved, shall be considered as Indications *prima facie* of
 ‘ the actual Employment of the Vessel in the Slave Trade,
 ‘ and will serve therefore to condemn and declare her a lawful
 ‘ Prize, unless it be established by satisfactory Evidence on the
 ‘ Part of the Master or Owners that the Vessel at the Time of
 ‘ her Detention was employed in some legal Pursuit: And
 ‘ whereas by the Eleventh Article it was agreed, that if in any
 ‘ Merchant Vessel should be found any of the Things specified
 ‘ in the preceding Article, the Master or Owner, or whatever
 ‘ other Person interested in her Equipment or Cargo, shall
 ‘ not have any Right to claim a Compensation for Losses,
 ‘ Damages, or Expences in consequence of the Detention,
 ‘ although the Tribunal which passes Judgment may not have
 ‘ pronounced Sentence of Condemnation, unless it be clearly
 ‘ proved that the Objects which occasioned the said Detention
 ‘ were not on board for the Slave Trade; in which Case the
 ‘ Captor, and in his Default the Government to which he
 ‘ belongs, shall be responsible to the Master or Owner of the
 ‘ Vessel for the Losses and Damages in question: And whereas
 ‘ by the Twelfth Article it was agreed between the Two Con-
 ‘ tracting Parties, that in all Cases in which a Vessel shall be
 ‘ detained under the said Treaty by their respective Cruizers as
 ‘ having been engaged in the Slave Trade, or as having been
 ‘ fitted out for the Purposes thereof, and shall be adjudged
 ‘ and condemned accordingly, the Vessel shall immediately
 ‘ after its Condemnation be broken up entirely, and shall be
 ‘ sold in separate Parts after having been broken up: And
 ‘ whereas by the Thirteenth Article it was mutually agreed that
 ‘ the Instructions next following for the Ships of War, *British*
 ‘ and *Venezuelan*, which the respective Governments may have
 ‘ destined for the Prevention of the Traffic in Slaves, should
 ‘ be considered as an integral Portion thereof; (that is to say,)

‘ INSTRUCTIONS for the Ships of War, *British* and *Venezuelan*,
 ‘ which the respective Governments may please to
 ‘ destine for the Prevention of the Traffic in Slaves.

‘ ARTICLE FIRST.—The Commander of any Ship of
 ‘ War belonging to Her *Britannic* Majesty or to the
 ‘ Republic of *Venezuela*, which shall be furnished with these
 ‘ Instructions, shall have a Right to visit, search, and
 ‘ detain any *British* or *Venezuelan* Merchant Vessel which
 ‘ shall be engaged or suspected to be engaged in the Slave
 ‘ Trade, or to be fitted out for the Purpose thereof, or to
 ‘ have been engaged in the Traffic in Slaves during the
 A a 3 Voyage

‘ Voyage in which she may be met with by such Ship of
 ‘ the *British* or *Venezuelan* Navies, provided that the Visit,
 ‘ Search, and Detention be made in accordance with the
 ‘ Places and within the Limits marked out in Article
 ‘ Five of the Treaty signed this Day, and which forms a
 ‘ Part of the present Instructions ; and the said Com-
 ‘ mander shall thereupon without Delay bring or send
 ‘ such Merchant Vessel, with her Master, Crew, Cargo,
 ‘ and Slaves found on board, to one of the Ports hereafter
 ‘ mentioned, in order that Proceedings may be instituted
 ‘ in regard to them conformably to the Laws of the Nation
 ‘ under whose Flag the Vessel is sailing ; such Com-
 ‘ mander shall deliver the same, together with her Papers,
 ‘ to the proper Authorities or to the Persons that may
 ‘ have been specially appointed for that Purpose by the
 ‘ respective Governments.

‘ ARTICLE SECOND.—Whenever a Ship of War of
 ‘ either of the Two Contracting Nations, duly authorized
 ‘ as aforesaid, shall meet a Merchantman liable to be
 ‘ visited under the Provisions of the said Treaty, the
 ‘ Search shall be conducted in the mildest Manner, and
 ‘ with every Attention which ought to be observed
 ‘ between allied and friendly Nations, and the Visit shall
 ‘ be made by an Officer holding a Rank not lower than
 ‘ that of Lieutenant in the Navies of *Great Britain* and
 ‘ *Venezuela* respectively, or by the Officer who at the Time
 ‘ shall be Second in Command of the Ship by which such
 ‘ Search is made.

‘ ARTICLE THIRD.—The Commander of any Ship of
 ‘ the Two Navies, duly authorized as aforesaid, who may
 ‘ detain any Merchant Vessel in pursuance of the Tenor
 ‘ of the present Instructions, shall leave on board the
 ‘ Vessel so detained the Master, the Mate or Boatswain,
 ‘ and the Crew thereof, all the Cargo, and the Whole of
 ‘ the Slaves, if any, except in the Case herein-after specified
 ‘ in respect to Slaves on board of *Venezuelan* Vessels.

‘ The Captor shall at the Time of Detention draw up
 ‘ in Writing an authentic Declaration, which shall exhibit
 ‘ the State in which he found the detained Vessel, such
 ‘ Declaration to be signed by himself, and to be given in
 ‘ or sent, together with the captured Vessel, to the Autho-
 ‘ rities before which such Vessel shall be carried or sent
 ‘ for Trial.

‘ He shall deliver to the Master of the detained
 ‘ Vessel a signed Certificate of the Papers seized on board
 ‘ the same, as well as of the Number of Slaves found on
 ‘ board at the Moment of Detention.

‘ In the authenticated Declaration which the Captor
 ‘ is hereby required to make, as well as in the Certificate
 ‘ of the Papers seized, he shall insert his own Name, the
 ‘ Name of the capturing Ship, the Latitude and Longitude

‘ of

‘ of the Place where the Detention shall have taken place,
 ‘ and the Number of Slaves found on board the Vessel at
 ‘ the Time of the Detention.

‘ The Officer in charge of the Vessel detained shall,
 ‘ at the Time of delivering up the Vessel to the competent
 ‘ Authorities, transmit to the said Authorities a Paper,
 ‘ signed by himself and verified on Oath, stating the
 ‘ Changes which have taken place in respect of the Vessel,
 ‘ her Crew, the Slaves, if any, and her Cargo, from the
 ‘ Period of her Detention until the Time of delivering up
 ‘ such Vessel.

‘ ARTICLE FOURTH.—The Slaves shall not be dis-
 ‘ embarked till after the Vessel which contains them shall
 ‘ have arrived at the Place of Trial, except in the Cases
 ‘ herein-after specified in respect to Slaves on board
 ‘ *Venezuelan* Vessels; and when urgent Motives, deduced
 ‘ from the Length of the Voyage, the State of Health of
 ‘ the Slaves, or from other Causes, shall require that
 ‘ either the Whole or a Portion of the Negroes be dis-
 ‘ embarked before the Vessel can arrive at the Place of
 ‘ Trial, in this latter Case the Commander of the capturing
 ‘ Ship may take upon himself the Responsibility of dis-
 ‘ embarking the Negroes, provided that such Necessity
 ‘ and Causes thereof be stated in a Certificate in proper
 ‘ Form, and that this Certificate shall be drawn up and
 ‘ entered at the Time on the Log Book of the detained
 ‘ Vessel.

‘ ARTICLE FIFTH.—All such *British* Vessels as shall
 ‘ be detained on the *Brazilian* Station by *Venezuelan*
 ‘ Cruizers shall be carried and delivered up to the *British*
 ‘ Jurisdiction at the Colony of *Demerara*.

‘ All such *British* Vessels as shall be detained on
 ‘ the *West Indian* Station by *Venezuelan* Cruizers shall be
 ‘ carried and delivered up to the *British* Jurisdiction at
 ‘ *Port Royal* in *Jamaica*.

‘ All such *British* Vessels as shall be detained on
 ‘ the *Madagascar* Station by *Venezuelan* Cruizers shall be
 ‘ carried and delivered up to the *British* Jurisdiction at
 ‘ the *Cape of Good Hope*.

‘ All such *British* Vessels as shall be detained on the
 ‘ *African* Station by *Venezuelan* Cruizers shall be carried
 ‘ and delivered up to the *British* Jurisdiction at *Bathurst*
 ‘ on the River *Gambia*.

‘ All such *Venezuelan* Vessels as shall be detained on
 ‘ the *Brazilian* and *West Indian* Stations, as well as on
 ‘ those of *Africa* and *Madagascar*, by *British* Cruizers, shall
 ‘ be carried and delivered up to the *Venezuelan* Jurisdiction
 ‘ at any of the Ports belonging to the Republic, except in
 ‘ Cases in which Slaves shall be on board at the Time of
 ‘ Capture, when the Vessel shall, in the first instance, be
 ‘ sent to deposit the Slaves at the Port to which the Vessel

‘ would have been taken for Trial if she had been under
 ‘ the *English Flag*; the Vessel, with the rest of her Cargo
 ‘ and Crew, shall afterwards be sent on and delivered to
 ‘ the *Venezuelan Jurisdiction* at any of the Ports belonging
 ‘ to the Republic as above stipulated :

‘ And whereas by the Fourteenth and last Articles of the said
 ‘ Treaty it was agreed, that the same should be ratified, and
 ‘ the Ratifications thereof should be exchanged in *Caracas*
 ‘ within the Space of Twelve Months, or sooner if possible :
 ‘ And whereas the said Treaty was ratified by and between
 ‘ Her Majesty and the Republic of *Venezuela* respectively, and
 ‘ such Ratifications were exchanged at *Caracas* on the Twelfth
 ‘ Day of *December* in the Year of our Lord One thousand eight
 ‘ hundred and thirty-nine: And whereas it is expedient and
 ‘ necessary that effectual Provision should be made for carrying
 ‘ into execution the Provisions of the Treaty aforesaid :’ Be it
 therefore enacted by the Queen’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That it shall be lawful for
 any Officer commanding any Ship of War of Her Majesty, or
 of the Republic of *Venezuela*, who shall be duly instructed and
 authorized and furnished, according to the several Provisions of
 the said Treaty, to exercise within the Waters described, and
 according to the several Provisions, Exceptions, and Conditions
 contained in the said Treaty, and the Instructions thereto
 annexed, the Right of visiting and searching any Merchant
 Vessel of either of the said Two Nations liable to Suspicion
 and suspected of having engaged in or of having been em-
 ployed in the Slave Trade, or of having been fitted out for
 the Purposes of such Traffic, and upon sufficient Grounds to
 detain and send or carry in, and deliver over without Delay,
 any such Vessel, together with its Master, Crew, Slaves, Cargo,
 and Papers, to the Authorities appointed for the Purposes of
 the said Treaty by the respective Governments of the said Two
 Nations, and to one of the Jurisdictions in the said Instructions
 mentioned, in order that Proceedings may be instituted there-
 upon, conformably to the respective Laws of the said Two
 Countries; and all such Commanders of Her said Majesty’s
 Ships are hereby authorized and required, in the Exercise of
 such Rights of visiting, searching, detaining, sending, carrying
 in, and delivering as aforesaid, to execute, perform, and comply
 with the said several Provisions and Instructions of the said
 Treaty as apply thereto respectively.

Commanders of
 Ships of War
 to exercise
 Right of search-
 ing Merchant
 Vessels liable
 to Suspicion
 and suspected of
 being engaged
 in the Slave
 Trade.

In case of
 Venezuelan
 Officers detain-
 ing British
 Vessels, Pro-
 ceedings to be
 conducted in
 Name of Her
 Majesty.

II. And be it enacted, That where any such Officer of the
 Republic of *Venezuela* shall send, carry, or deliver over as afore-
 said any such Merchant Vessel, wholly or in part owned by any
 Subject or Subjects of Her Majesty the Queen of the United
 Kingdom of *Great Britain and Ireland*, all and every Proceeding
 instituted in the Tribunals herein-after mentioned in regard to
 such Merchant Vessel, and its Crew, Cargo, and Slaves, and in
 respect

respect to the Cause, shall be conducted in the Name of Her said Majesty the Queen of the United Kingdom of *Great Britain and Ireland*, by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be detained by the Cruizers of the Republic of *Venezuela*, and delivered up to the Jurisdiction of Her Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court at *Sierra Leone*; and that all other Ships, Cargoes, and Slaves which may be in like Manner detained by the Cruizers of the Republic of *Venezuela*, and delivered up to the Jurisdiction of Her Majesty either at *Jamaica*, *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

III. And be it enacted and declared, That any such Merchant Vessel, wholly or in part owned as last aforesaid, visited and detained in pursuance of the said Treaty, shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, and equipped and employed in the Objects declared unlawful by an Act passed in the Fifth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*, if any of the Particulars specified in the said Tenth Article of the said Treaty shall be found in her Outfit or Equipment on board of her.

Vessels detained in pursuance of the Treaty to be held as engaged in the Slave Trade, unless Proof be given to the contrary.

5 G. 4. c. 113.

IV. And be it enacted, That in case any such Merchant Vessel, wholly or in part owned as aforesaid, shall be seized by any Officer of Her Majesty duly authorized, and, with the Goods, Wares, and Merchandize, be confiscated according to the Laws of this Country and the Provisions of the said Treaty, the Portion of the Proceeds arising from the Sale thereof belonging to Her Majesty the Queen of the United Kingdom of *Great Britain and Ireland* shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may direct or appoint to receive the same; and it is hereby directed that One Moiety thereof shall be paid to and for the Use of the Captors thereof; and that the same, after deducting all necessary Expences, shall be distributed to and amongst the Officers and Crew of the Ship in the Manner hereafter directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

Queen's Share of Proceeds to be apportioned.

V. And be it enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Treaty of the Fifteenth Day of *March* One thousand eight hundred and thirty-nine, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board a *British* or *Venezuelan* Ship or Vessel taken and delivered over and condemned in pursuance of

A Bounty of 5*l.* for every Slave found on board of Vessels seized and condemned.

of the Provisions of the said Convention and of this Act, such Bounty to be issued and paid by Order from the said Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty, Her Heirs and Successors, shall think fit to order and direct by any Order or Orders in Council, or by any Proclamation or Proclamations to be made for that Purpose.

Bounties not
liable to Pay-
ment of Fees.

VI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Mode of ob-
taining such
Bounty.

VII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money, the Numbers of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Where Slaves
taken shall not
have been con-
demned, or
shall not have
been delivered
over, the Treas-
ury may allow
One Moiety of
the Bounty.

VIII. And be it enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *Venezuelan* Ship or Vessel, in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been condemned, or shall not have been delivered over, in consequence of Death, Sickiness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

Parties claim-
ing Benefit
under this Act
may resort to
the Court of
Admiralty.

IX. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Venezuelan* Vessel confiscated in pursuance of the Provisions of the aforesaid Conventions, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations to
which Prize
Agents are
liable extended
to Bounties,
&c. under this
Act.

X. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize, and the Per-centage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all Bounties
and

and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of Her Majesty's Ships or Vessels of War.

XI. And be it enacted, That where any illegal Visit and Detention, or any Visit and Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place and have been made by any Officer of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, as is mentioned in the Eighth and Ninth Articles of the said Treaty of the Fifteenth Day of *March* One thousand eight hundred and thirty-nine, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon by Order of the said Commissioners of Her Majesty's Treasury.

Where illegal Detention is made, Lords of the Treasury may award Compensation.

XII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships authorized to make Seizures under the aforesaid Convention of the Fifteenth Day of *March* One thousand eight hundred and thirty-nine, and Judgment shall be given against the Seizor, or such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the said Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

Where Judgment shall be given against the Seizor, or the Seizure shall be relinquished, the Treasury may direct Payment of the Seizor's Costs.

XIII. And be it enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Conventions, or the Instructions or Regulations thereto annexed, or of this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Conventions, Instructions, or Regulations, or of this Act; and if it shall appear so to have been done the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

In all Actions under this Act Defendant may plead the General Issue.

CAP. LXVIII.

An Act to enable Her Majesty in Council to authorize Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom to be piloted, in certain Cases, without having a licensed Pilot on board; and also to regulate the Mode in which Pilot Boats shall be painted and distinguished.

[7th August 1840.]

6 G. 4. c. 125. **WHEREAS** by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons*, it is amongst other things provided, that from and after the passing thereof it shall and may be lawful for His Majesty, by and with the Advice of His Privy Council, or by any Order or Orders in Council, to permit and authorize Ships and Vessels not exceeding the Burthen of Sixty Tons, and not having a *British* Register, to be piloted and conducted without having a duly licensed Pilot on board, upon the same Terms and Conditions as are by that Act imposed on *British* Ships and Vessels not exceeding the like Burthen: And whereas it is by the said Act also provided and enacted, that nothing in that Act contained shall extend or be construed to extend to subject to any Penalty the Master or Mate of any Ship or Vessel, being the Owner or a Part Owner of such Ship or Vessel, and residing at *Dover, Deal, or the Isle of Thanet*, for conducting or piloting such his own Ship or Vessel from any of the Places aforesaid up or down the River *Thames* or *Medway*, or into or out of any Port or Place within the Jurisdiction of the Cinque Ports: And whereas the said last-recited Proviso and Enactment has been found to prevent the Subjects of Foreign Countries having Treaties of Reciprocity with the United Kingdom from being placed on an equal Footing with the Subjects of the said United Kingdom in regard to Pilots and Pilotage in conformity with the Spirit of the said Treaties; and in order to remedy such Inconvenience it is expedient that the Powers vested by the said first-recited Proviso in Her Majesty in Council should be extended in manner herein-after mentioned; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, whenever the Owner or Owners of any Ship or Ships not having a *British* Register, but belonging to the Subjects of Foreign Countries having Treaties of Reciprocity with the United Kingdom, shall make it appear that he or they are deprived of the Benefit enjoyed by *British* Subjects under the

Her Majesty in Council may authorize Ships belonging to Countries having Treaties of Reciprocity with the United

the said recited Proviso and Enactment, it shall be lawful for Her Majesty in Council from Time to Time to make and issue Orders or Certificates under the Hand of the Clerk of the Privy Council, declaring thereby upon what Terms, and subject to what Conditions, and within what Limits, and for how long, such Ships in such Orders or Certificates mentioned may be piloted without having a duly licensed Pilot on board; and from and after the granting of any such Order or Certificate, and so long as the same remains in force, the Master of any such Ship in such Order or Certificate mentioned shall and may lawfully, and without being subject to any Penalty in that Behalf, conduct his said Ship without having a duly licensed Pilot on board, when and so long as he shall be conducting her within the Limits in such Order or Certificate mentioned, and in conformity with the Terms and Conditions thereby imposed, and without the Aid or Assistance of any other Person than the ordinary Crew of the said Ship: Provided always, that the said last-mentioned Provision, and the Orders or Certificates to be made and issued by virtue thereof, shall cease and be void on the passing of any general Act for the Regulation of Pilots and Pilotage.

Kingdom to be piloted in certain Cases without having a licensed Pilot.

When foregoing Provision to cease.

II. ' And whereas by an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Prevention of Smuggling*, Provisions are made respecting the painting or tarring of Vessels or Boats employed on the Coasts of the United Kingdom in piloting, which Provisions are inconsistent with certain other Provisions contained in the said in part recited Act of the Sixth Year of the Reign of His said late Majesty King *George* the Fourth, and Doubts have arisen touching the Effect of such Provisions respectively; be it therefore enacted, That so much of the said in part recited Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth as requires "that every Pilot Boat or Vessel or other Boat or Vessel in the Pilot Service of any Corporation or Society established by Law in relation to Pilotage, or of or belonging to any Person authorized to act as a Pilot by such Corporation or Society, shall at all Times and on every Station be fitted with Black Sides, and have the upper Streak next the Gunwale painted White," shall be and the same is hereby from henceforth repealed; and from and after the passing of this Act every such Boat or Vessel as aforesaid shall be painted or tarred entirely Black, except the Name or other Description now required by Law to be painted on such Boat or Vessel.

3 & 4 W. 4. c. 53. s. 13.

Certain Parts of 6 G. 4. c. 125. s. 32. as to the Mode of painting Pilot Vessels, repealed.

Boats to be painted or tarred entirely Black, except the Name, &c.

CAP. LXIX.

An Act to continue, for Six Months after the Commencement of the next Session of Parliament, an Act of the last Session of Parliament, for carrying into effect a Convention between Her Majesty and the King of the *French*, relative to the Fisheries on the Coasts of the *British* Islands and of *France*.

[7th August 1840.]

2 & 3 Vict. c. 96.

Recited Act
further con-
tinued.

‘ WHEREAS an Act was passed in the last Session of
‘ Parliament, intituled *An Act to authorize Her Majesty,*
‘ *until Six Months after the Commencement of the next Session of*
‘ *Parliament, to carry into effect a Convention between Her Majesty*
‘ *and the King of the French relative to the Fisheries on the Coasts*
‘ *of the British Islands and of France*: And whereas it is
‘ expedient that the said Act should be further continued:
Be it therefore enacted by the Queen’s most Excellent Majesty,
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That the said recited Act,
and all the Powers, Provisions, Matters, and Things therein
contained, shall continue in force until the Expiration of Six
Months after the Commencement of the next Session of
Parliament.

CAP. LXX.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and forty-one.

[7th August 1840.]

‘ WHEREAS it is necessary that Provision should be made
‘ for defraying the Charge of the Pay, Clothing, and
‘ contingent and other Expences of the Regular Militia, and
‘ of the Miners of *Cornwall* and *Devon*, when disembodied, in
‘ *Great Britain* and *Ireland*; and for making in certain Cases
‘ Allowances of Reduced Pay to Subaltern Officers and Sur-
‘ geons Mates and Assistant Surgeons of the Regular Militia,
‘ and of the Miners of *Devon* and *Cornwall*, while disembodied;
‘ and Allowances to Adjutants, Paymasters, Surgeons, Quarter-
‘ masters, and Serjeant Majors of the Regular Militia who have
‘ been or may be reduced, and to Adjutants, Surgeons, and
‘ Quarter-

‘ Quartermasters disabled after long Service :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned ; (that is to say,) for the Pay of the said Regular Militia at the Rates following ; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

For each Adjutant, Eight Shillings *per Diem* :

Rates of Pay.

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem* :

For each Serjeant Major, where one is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem* :

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem* :

For each Serjeant, One Shilling and Sixpence *per Diem* :

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively :

Rates of Pay when absent on Furlough.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years :

Clothing.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Contingent Fund.

II. And be it enacted, That every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Depôt of the Corps to which they belong may be ordered to be stationed, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at

Adjutant, &c. to reside where the Arms of the Corps are kept.

at War: Provided always, that every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutant to have Charge of the Arms and Clothing, and to issue Money for contingent Expenses on an Order signed by the Colonel.

III. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant; and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Balance to form a Stock Purse.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

IV. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

V. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VI. 'And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland*, while disembodied, under certain Regulations;' be it enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner

ner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the *Militia of Great Britain or Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem* :

To an Ensign, Two Shillings *per Diem* :

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem* :

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Rank of certain Officers.

VII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Certain Persons not entitled to Allowances.

VIII. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace of the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

A Declaration to be taken to entitle Officers, &c. to such Allowances.

‘ I *A. B.* do solemnly and sincerely declare, That I belonged to
 ‘ the _____ of Militia when the same was disembodied,
 ‘ and that I have continued to serve therein from that Time
 ‘ until the _____ Day of _____ inclusive,
 ‘ as a [Lieutenant, Ensign, Surgeon's Mate, or Assistant Sur-
 ‘ geon, *as the Case may be*]; and that I was not in my own
 ‘ Right, or in the Right of my Wife, during any Part of the
 ‘ Period for which I now claim to receive my Allowance, that is
 ‘ to say, from the _____ Day of _____ to
 ‘ the _____ Day of _____ both inclusive, in
 [No. 25. Price 2d.] B b ‘ the

Form of Declaration.

‘ the actual Possession and Enjoyment or Receipt of the Rents
 ‘ and Profits of Lands, Tenements, or Hereditaments of such an
 ‘ annual Value above Reprises as would qualify me to hold a
 ‘ Commission of Captain of a Company in the Militia; that I
 ‘ was not in Holy Orders; that I have not during the above
 ‘ Period held the Appointment of Adjutant, Surgeon, Pay-
 ‘ master, or Quartermaster, in any Regiment, Battalion, or
 ‘ Corps of Militia; that I did not hold or enjoy, nor did any
 ‘ Person for me hold or enjoy, during the said Period, any
 ‘ Place, Office, or Employment of Profit, Civil or Military,
 ‘ under the Crown or any other Government, besides the
 ‘ Allowance of a Day now claimed, except my
 ‘ Half Pay as a [of the Army or Navy or
 ‘ Marines, or of a Provisional Battalion formed from the Militia,
 ‘ as the Case may be], and any Pay and Allowances from the
 ‘ to the both Days inclusive, during
 ‘ which Period the Corps was assembled for Training and
 ‘ Exercise.’

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Allowances to
Officers re-
duced in 1829.

IX. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain and Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid under the Restrictions and in the Manner herein-after expressed during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and in lieu of his reduced Allowance.

A Declaration
to be taken by
Officers claim-
ing the said
Allowances.

X. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace in the United Kingdom, or before some one of Her Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

Form of
Declaration.

‘ I *A.B.* do solemnly and sincerely declare, That I was serving
 ‘ as [Paymaster, Surgeon, or Quartermaster, as the Case may
 ‘ be,] in the of Militia at the Reduction of the
 ‘ Staff of the said Militia in One thousand eight hundred and
 ‘ twenty-nine; and that I was not in Holy Orders during any
 ‘ Part of the Period for which I now claim to receive an
 ‘ Allowance, (that is to say,) from the Day of
 ‘ One thousand eight hundred and
 ‘ to the Day of One thousand eight
 ‘ hundred and ; and that I did not hold or enjoy,
 ‘ nor

‘ nor did any Person for me hold or enjoy, during any Part of
 ‘ the said Period, any Place, Office, or Employment of Profit,
 ‘ Civil or Military, under the Crown, or any other Govern-
 ‘ ment, besides the Allowance of a Day now
 ‘ claimed, except my Half Pay as a [of the Army
 ‘ or Navy or Marines, or of a Provisional Battalion formed from
 ‘ the Militia, as the Case may be], and except my Pay and Allow-
 ‘ ances from the to the both Days inclusive,
 ‘ during which Period the Militia was assembled for
 ‘ Training and Exercise.’

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

XI. ‘ And, whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of Great Britain and Ireland have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service;’ be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

XII. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon,

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

Subalterns, Mates, &c. to attend the Exercise, &c.

Commanding Officer may grant Leave of Absence.

Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the Whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment the Allowance shall be paid, on making the Declaration, without Certificate, &c.

Allowances to be paid quarterly.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XIII. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

XIV. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

XV. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other

other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Allowance not to be paid while the Militia is embodied.

XVII. Provided always, and be it enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVIII. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to *Chelsea* Pensions, &c.

XIX. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied

Allowance to be made for Medicines.

Staff at Head Quarters for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive after a Service of 20 Years, if unfit for further Service, an Allowance of 8s. per Day;

provided they do not hold certain other Appointments.

Adjutants appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c. an Allowance of 6s. per Day.

XX. And be it enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem*: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings

Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, herein-before prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

XXI. ' And whereas certain Allowances have been granted ' in pursuance of former Acts to Adjutants, Surgeons, and ' Quartermasters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service; ' be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

XXII. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirtieth Day of *June* One thousand eight hundred and forty, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and forty-one, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Reduced Adjutants to receive 4s. per Day till 30th June 1841.

Right to Half Pay reserved.

XXIII. ' And whereas certain Adjutants and Serjeant ' Majors are entitled to and have received certain Allowances ' in consequence of having been reduced under the Provisions ' of an Act passed in the Thirty-ninth and Fortieth Years of ' the Reign of His Majesty King *George* the Third, which ' Allowances have been continued, and as to such Adjutants ' augmented

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

‘augmented to Four Shillings *per Diem* ;’ be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of *June* One thousand eight hundred and forty to the Thirtieth Day of *June* One thousand eight hundred and forty-one.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XXIV. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance together with any Full Pay, Half Pay, or Allowance which was tenable, together with such reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England*, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XXV. ‘And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia ;’ be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants had been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

42 G. 3. c. 90.

XXVI. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in England, and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the

the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His Majesty King *George the Third*, intituled *An Act for the better raising and ordering the Militia Forces for the Tower Hamlets in the County of Middlesex*, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall and Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George the Third*, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King George the Third*, intituled ‘*An Act for raising a Body of Miners in the Counties of Cornwall and Devon for the Defence of the Kingdom during the present War, and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain*,’ and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His Majesty King *George the Third*, intituled *An Act to raise and establish a Militia in Scotland*, and of any other Acts relating to the said Militia.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 19.

XXVII. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall and Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall and Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Manner of granting Allowances.

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

‘ I do solemnly declare, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the Public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.’

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

‘ I do solemnly declare, That I am the Parochial Schoolmaster [or Constable or other Officer] of the District of in the Subdivision of the County of ; and that the preceding Account is a just and true Account of Business actually

‘ actually performed by myself for and in behalf of the Public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.’

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXVIII. ‘ And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmary, and upon the Fitness for Service of the Persons presenting themselves for Enrolment;’ be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

‘ I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.’

Allowance to Surgeon.

And every such Surgeon shall receive for each Day’s Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXIX. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXX. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be or shall be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

XXXI. Pro-

XXXI. Provided always, and be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

XXXII. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, and all Arrears of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term; provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Expence of House for depositing Arms and Stores of the Militia in *Ireland*, &c. to be defrayed by the County.

Proviso as to Amount of Rent.

XXXIII. And be it enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties, and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXIV. And be it enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and forty until the First Day of *July* One thousand eight hundred and forty-one.

Continuance of Act.

TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - - - -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - - - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each - -	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet, In Counties furnishing a Quota of 200			

	£	s.	d.
Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - - -	3	3	0
Ditto - 401 to 600 Men - - -	4	4	0
Ditto - 601 to 800 Men - - -	5	5	0
Ditto - 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under - - -	1	1	0
Ditto - from 201 to 400 Men -	2	2	0
Ditto - from 401 to 600 Men -	3	3	0
Ditto - from 601 to 800 Men -	4	4	0
Ditto - from 801 Men and upwards	5	5	0
7. For Trouble in engrossing in a Book the Names of the Men contained in each Sub-division Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under -	0	5	0
Ditto - 51 to 150 Names -	0	10	0
Ditto - 151 to 250 Names -	1	0	0
Ditto - 251 Names and upwards	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - -	0	15	0
Ditto - Two - Ditto -	1	10	0
Ditto - Three - Ditto -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			

		£	s.	d.
9.	For Stationery:			
	To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - -	2	0	0
	Ditto - from 301 to 600 Men - - - - -	3	0	0
	Ditto - from 601 to 900 Men - - - - -	4	0	0
	Ditto - from 901 Men and upwards - - - - -	5	0	0
10.	For Copyings, Correspondence, et cetera, et cetera:			
	To the Clerk of the General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under - - - - -	2	0	0
	In a County furnishing from 201 to 400 Men - - - - -	3	0	0
	Ditto - from 401 to 600 Men - - - - -	4	0	0
	Ditto - from 601 to 800 Men - - - - -	5	0	0
	Ditto - from 801 Men and upwards - - - - -	6	0	0
11.	The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, et cetera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
	The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
TRAINING AND EXERCISE.				
12.	For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - - -	0	0	6
13.	For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - -	1	0	0
	In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - - - -	2	0	0
	Ditto - Two - Ditto - - - - -	3	0	0
	Ditto - Three - Ditto - - - - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

	£	s.	d.
14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - - -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stanaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon ballotted Men, each Precept - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland for the Performance of similar Duty, each Precept - - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals			

or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men - - -	£ s. d.
	£2per1,000
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Appointment of the Subdivision is - 50 Men and under - - -	2 2 0
From 51 to 150 Men - - -	3 3 0
From 151 to 250 Men - - -	4 4 0
From 251 Men and upwards - - -	5 5 0
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E)., and the Colonel or Commandant of the Regiment of the County; videlicet, For a Roll containing 50 Names and under - - - - -	0 5 0
from 51 to 150 Names - - -	0 10 0
from 151 to 250 Names - - -	0 15 0
from 251 Names and upwards - - -	1 0 0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; videlicet, For a Subdivision furnishing 50 Men and under - - - - -	1 10 0
from 51 to 150 Men - - -	2 0 0
from 151 to 250 Men - - -	2 10 0
from 251 Men and upwards - - -	3 0 0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; videlicet, For a Subdivision furnishing 50 Men and under - - - - -	2 0 0
from 51 to 150 Men - - -	3 0 0
from 151 to 250 Men - - -	4 0 0
from 251 Men and upwards - - -	5 0 0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be	

allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:

For a Subdivision furnishing 50 Men and under - - - -

from 51 to 150 Men - -

from 151 to 250 Men - -

from 251 and upwards - -

£ s. d.

0 5 0

0 10 0

0 15 0

1 0 0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:

For each Precept containing 50 Names and under - - - -

from 51 to 150 Names - -

from 151 to 250 Names - -

from 251 Names and upwards -

0 5 0

0 10 0

0 15 0

1 0 0

And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:

For each Precept containing 10 Names

and under - - - -

from 11 to 30 Names - -

from 31 to 50 Names - -

from 51 to 70 Names - -

from 71 to 100 Names - -

from 100 upwards - -

0 0 6

0 1 0

0 2 6

0 4 0

0 7 0

0 10 0

	£	s.	d.
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise: For a Roll containing 20 Names and under - - - - -	0	2	6
from 21 to 50 Names - - - - -	0	5	0
from 51 to 150 Names - - - - -	0	10	0
from 151 to 250 Names - - - - -	0	15	0
from 251 and upwards - - - - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Appointment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain: For a Subdivision furnishing 50 Men and under - - - - -	0	5	0
from 51 to 150 Men - - - - -	0	10	0
from 151 to 250 Men - - - - -	0	15	0
from 251 and upwards - - - - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householdors, for each Day consisting of Eight Hours - - - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting - - - - -	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day - - - - -	0	5	0
31. For Stationery, per Annum - - - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householdors, for each Day consisting of Eight Hours - - - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0

34. For attending each Meeting of Lieutenancy, per Day - - - - -	£	s.	d.
	0	4	0
35. For filling up and delivering Notices to ballotted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expences not exceeding Nine-pence per Mile, and the Expences of Tolls and Ferry Money; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.
38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

CAP. LXXI.

An Act to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [7th August 1840.]

WHEREAS it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns or preparing or making out Lists of such Militia, or any Part thereof, or relating to the balloting for or enrolling any Militia Men or Substitutes, or supplying any Vacancies in such Militia, shall cease and remain suspended until the End of the next Session of Parliament, any thing in any Act or Acts to the contrary notwithstanding.

General and Subdivision Meetings relating to the Militia suspended.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and

Proceedings may be had during such Suspension by Order in Council.

and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners of *Cornwall* and *Devon* shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend
to Wardens of
Stannaries and
to Corps of
Miners.

III. And be it enacted, That this Act, and all the Clauses, Provisions, Directions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries and Corps of Miners of *Cornwall* and *Devon* as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

CAP. LXXII.

An Act to provide for the Solemnization of Marriages in the Districts in or near which the Parties reside.

[7th August 1840.]

4 G. 4. c. 76.

6 & 7 W. 4. c. 85.

‘ WHEREAS by an Act passed in the Fourth Year of the Reign of King George the Fourth, intituled *An Act for amending the Laws respecting the Solemnization of Marriage* in *England*, it is provided, that in all Cases where Banns shall have been published, the Marriage shall be solemnized in One of the Parish Churches or Chapels where such Banns shall have been published, and in no other Place whatsoever: And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for Marriages in England*, Provision is made for Marriages intended to be solemnized in *England*, after Notice given, according to the Forms authorized by the last-recited Act, which Act has
‘ been

‘ been explained and amended by an Act passed in the First
 ‘ Year of the Reign of Her present Majesty : And whereas it
 ‘ is expedient to restrain Marriages under the said Act of His 7 W. 4. &
1 Vict. c. 22.
 ‘ late Majesty from being solemnized out of the District in
 ‘ which One of the Parties dwells, unless either of the Parties
 ‘ dwells in a District within which there is not any registered
 ‘ Building, wherein, under the Provisions of the said Act of
 ‘ His late Majesty, as explained and amended by the said Act
 ‘ of Her present Majesty, Marriage is solemnized according to
 ‘ the Form, Rite, or Ceremony the Parties see fit to adopt :’
 Be it therefore declared and enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 it is not and shall not be lawful for any Superintendent Regis-
 trar to give any Certificate of Notice of Marriage where the
 Building in which the Marriage is to be solemnized, as stated
 in the Notice, shall not be within the District wherein One of
 the Parties shall have dwelt for the Time required by the said
 Act of His late Majesty, except as herein-after is enacted.

Certificate of
 Notice not to
 be granted for
 Marriage out
 of the District
 where the Par-
 ties dwell, ex-
 cept as herein-
 after enacted.

II. And be it enacted, That it shall be lawful for any Party
 intending Marriage under the Provisions of the said Act of His
 late Majesty, in addition to the Notice required to be given by
 that Act, to declare at the Time of giving such Notice, by
 Indorsement thereon, the Religious Appellation of the Body
 of Christians to which the Party professeth to belong, and
 the Form, Rite, or Ceremony which the Parties desire to adopt
 in solemnizing their Marriage, and that, to the best of his or
 her Knowledge and Belief, there is not within the District in
 which One of the Parties dwells any registered Building in
 which Marriage is solemnized according to such Form, Rite,
 or Ceremony, and the District nearest to the Residence of
 that Party in which a Building is registered wherein Marriage
 is so solemnized, and the registered Building within such Dis-
 trict in which it is intended to solemnize their Marriage; and
 after the Expiration of Seven Days or Twenty-one Days, as
 the Case may require, under the said Act of His late Majesty,
 it shall be lawful for the Superintendent Registrar to whom
 any such Notice shall have been given to issue his Certificate,
 according to the Provisions of that Act; and after the issuing of
 such Certificate the Parties shall be at liberty to solemnize their
 Marriage in the registered Building stated in such Notice :
 Provided always, that after any Marriage shall have been solemn-
 ized it shall not be necessary in support of such Marriage to
 give any Proof of the Truth of the Facts herein authorized to be
 stated in the Notice, nor shall any Evidence be given to prove
 the contrary in any Suit touching the Validity of such Mar-
 riage.

In what Case
 Marriage may
 be solemnized
 out of the Dis-
 trict in which
 the Parties
 dwell.

III. And be it enacted, That the additional Notice herein-
 before authorized to be given may be according to the Form in
 the Schedule to this Act annexed, or to a like Effect. Form of Notice.

Persons making
false Declara-
tions guilty of
Perjury.

IV. And be it enacted, That every Person who shall knowingly and wilfully make any false Declaration under the Provisions of this Act, for the Purpose of procuring any Marriage out of the District in which the Parties or One of them dwell, shall suffer the Penalties of Perjury: Provided always, that no such Prosecution shall take place after the Expiration of Eighteen Calendar Months from the Solemnization of such Marriage.

Provision as
to Marriages of
Members of the
Society of
Friends, and
Jews.

V. Provided always, and be it enacted, That, notwithstanding any thing herein or in the said recited Acts or either of them contained, the Society of Friends commonly called Quakers, and also Persons professing the Jewish Religion, may lawfully continue to contract and solemnize Marriage according to the Usages of the said Society and of the said Persons respectively, after Notice for that Purpose duly given, and Certificate or Certificates duly issued, pursuant to the Provision of the said recited Act of His late Majesty, notwithstanding the Building or Place wherein such Marriage may be contracted or solemnized be not situate within the District or either of the Districts (as the Case may be) in which the Parties shall respectively dwell.

Act may be
amended this
Session.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

The SCHEDULE to which this Act refers.

I, the undersigned and within-named *James Smith*, do hereby declare, That I, being [*here insert a Member of the Church of England, a Roman Catholic, Independent, Baptist, Presbyterian, Unitarian, or such other Description of the Religion of the Party*], and the within-named *Martha Green*, in solemnizing our intended Marriage, desire to adopt the Form, Rite, or Ceremony of the [*Roman Catholic Church, Independents, Baptists, Presbyterians, Unitarians, or other Description of the Form, Rite, or Ceremony the Parties state it to be their Desire to adopt*]; and that to the best of my Knowledge and Belief there is not within the Superintendent Registrar's District in which [*I dwell*], or [*in which the said Martha Green dwells*], any registered Building in which Marriage is solemnized according to such Form, Rite, or Ceremony; and that the nearest District to [*my Dwelling Place*], or to [*the Dwelling Place of the said Martha Green*], in which a Building is registered wherein Marriage may be solemnized according to such Form, Rite, or Ceremony, is the [*here insert the Name by which the Superintendent Registrar's District is designated*]; and that we intend to solemnize our Marriage in the registered Building within that District known by the Name of [*here insert the Name by which the Building has been registered*]. Witness my Hand this Tenth Day of August One thousand eight hundred and forty.

(Signed) *James Smith.*

[The *Italics* in this Schedule to be filled as the Case may be].

CAP. LXXIII.

An Act to explain and amend the Acts relating to
Friendly Societies. [7th August 1840.]

‘ WHEREAS an Act was passed in the Tenth Year of
‘ the Reign of His late Majesty King George the Fourth,
‘ intituled *An Act to consolidate and amend the Laws relating* 10 G. 4. c. 56.
‘ *to Friendly Societies*: And whereas by the said Act it was s. 37.
‘ enacted, “that no Power, Warrant, or Letter of Attorney
‘ granted or to be granted by any Persons as Trustees of any
‘ Society established under this Act for the Transfer of any
‘ Share in the Public Funds standing in the Name of such
‘ Trustee, nor any Receipts given for any Dividend in any
‘ Public Stock or Fund or Interest of Exchequer Bills, nor
‘ any Receipt, nor any Entry in any Book of Receipt, for any
‘ Money deposited in the Funds of any such Society, nor for
‘ any Money received by any Member, his or her Executors or
‘ Administrators, Assigns or Attornies, from the Funds of such
‘ Society, nor any Bond or other Security to be given to or on
‘ account of any such Society, or by the Treasurer or Trustee
‘ or any Officer thereof, nor any Draft or Order, nor any Form
‘ of Assurance, nor any Appointment of any Agent, nor any
‘ Certificate or other Instrument for the Revocation of any such
‘ Appointment, nor any other Instrument or Document what-
‘ ever, required or authorized to be given, issued, signed,
‘ made, or produced in pursuance of this Act, shall be sub-
‘ ject or liable to or charged with any Stamp Duty or Duties
‘ whatsoever.” And whereas it is expedient that the said Act
‘ should be explained and amended:’ Be it therefore enacted
by the Queen’s most Excellent Majesty, by and with the Ad-
vice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the
Authority of the same, That nothing in the said recited Act
contained shall be construed to extend to grant any Exemp-
tion from Stamp Duty to any Friendly Society enrolled or to
be enrolled under the Provisions of the said Act, or of any other
Act relating to Friendly Societies, when the Sum to be assured
to any Individual, or to any Person nominated by or to claim
under him or her, shall exceed the Sum of Two hundred
Pounds.

Recited Act
not to exempt
from Stamp
Duty certain
Friendly Socie-
ties when the
Sum assured
exceeds 200*l*.

II. And be it enacted, That no Friendly Society enrolled or
to be enrolled under the Provisions of the said recited Act or
of any Act relating to Friendly Societies, by the Rules of
which the Sum assured to any Individual, or to any Person
nominated by or to claim under him or her, may exceed the
Sum of Two hundred Pounds, shall from and after the passing
of this Act be entitled or authorized to invest the Funds of such
Society, or any Part thereof, (except so much as may be here-
after received on account of Assurances made previous to the
C c 4

No Society
assuring for
more than 200*l*.
entitled to in-
vest in Savings
Banks or with
National Debt
Commissioners.

passing

Certain Friendly Societies empowered to appoint Nominees to receive Sums assured.
4 & 5 W. 4. c. 40.

passing of this Act,) in any Savings Banks, or with the Commissioners for the Reduction of the National Debt.

III. Provided always, and be it enacted, That every Friendly Society enrolled under the Provisions of the said recited Act, or of such Act as amended by an Act passed in the Session held in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*, and which by means of this Act shall be deprived of the Benefit of Exemption from Stamps, and of the Benefit of investing their Funds (except as aforesaid) in any Savings Bank, or with the Commissioners for the Reduction of the National Debt, shall be entitled to add to its Rules any Rule or Rules by which any Member of such Society shall be empowered to nominate any Person or Persons, his, her, or their Executors, Administrators, or Assigns, to receive any Sum already assured or to be hereafter assured by such Member, or any Part thereof; and every such Nomination shall be valid, although the Nominee or Nominees shall be a Trustee or Trustees for any other Person or Persons,* or for any Trust or Trusts, or Purpose or Purposes whatsoever, any thing in the said recited Acts or any other Act relating to Friendly Societies to the contrary notwithstanding.

On future Investments by Societies a Declaration to be made in Form directed by Commissioners.

IV. And be it enacted, That from and after the passing of this Act a Declaration shall be made by the Treasurer or Trustees of every Friendly Society, on the Investment of any Sum of Money in any Savings Bank, or to the Account of the Commissioners for the Reduction of the National Debt, that the Sum to be invested does not arise from the Subscriptions or Payments by Individuals on account of any Assurance made subsequent to the passing of this Act, by which Assurance the Sum assured to any Individual or Person nominated by or to claim under him or her exceeds the Sum of Two hundred Pounds, which Declaration shall be made in such Form as the said Commissioners shall from Time to Time direct; and in case such Declaration shall not be true, then and in every such Case the Sum of Money paid on such Declaration shall be forfeited to the said Commissioners, to be applied by them in the Manner directed in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*.

9 G. 4. c. 92.
s. 34.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Extent of Act.

VI. And be it enacted, That this Act shall extend to the United Kingdom of *Great Britain and Ireland*.

CAP. LXXIV.

An Act for the better Protection of the Oyster Fisheries
in *Scotland*. [7th August 1840.]

‘ **W**HEREAS it is expedient that the Benefit of certain
 ‘ Enactments contained in an Act of Parliament passed
 ‘ in the Session of Parliament held in the Seventh and Eighth
 ‘ Years of the Reign of His late Majesty King *George* the
 ‘ Fourth, for the Protection of Oyster Fisheries in *England*,
 ‘ should be extended to *Scotland* : Be it therefore enacted by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That if any Person in that Part of the United
 Kingdom called *Scotland* shall wilfully and knowingly take and
 carry away any Oysters or Oyster Brood from any Oyster
 Bed, Laying, or Fishery, being the Property of any other
 Person or Persons, Body Corporate or Politic, and sufficiently
 marked out or known as such, every such Offender shall be
 deemed guilty of Theft, and being guilty thereof shall be liable
 to be sentenced to Imprisonment not exceeding the Term of
 One Year.

Penalty for
stealing Oysters
or Oyster
Brood.

II. And be it enacted, That if any Person shall unlawfully
 and wilfully use any Dredge, or any Net, Instrument, or
 Engine whatsoever, within the Limits of any such Oyster
 Fishery in *Scotland*, for the Purpose of taking Oysters or Oyster
 Brood, although none shall be actually taken, or shall with any
 Net, Instrument, or Engine drag upon the Ground or Soil
 of any such Fishery, every such Person shall be deemed guilty
 of an Attempt to commit Theft, and being convicted thereof
 shall be liable to be punished by Fine or Imprisonment, or
 both, as the Court shall award ; such Fine not to exceed Twenty
 Pounds, and such Imprisonment not to exceed Three Calendar
 Months.

Penalty for
using Dredges,
&c. within Li-
mits of Oyster
Fisheries.

III. Provided always, and be it enacted, That nothing in
 this Act contained shall prevent any Person from catching or
 fishing for any floating Fish within the Limits of any Oyster
 Fishery, with any Net, Instrument, or Engine adapted for
 taking floating Fish only.

Not to extend
to Persons fish-
ing for floating
Fish.

IV. Provided always, and be it enacted, That nothing in
 this Act contained shall prevent or be construed to prevent any
 Person or Persons from exercising any Right which may now
 be lawfully exercised within the Limits of any such Fishery.

Act not to affect
existing Rights.

CAP. LXXV.

8 & 9 Geo 37
An Act to regulate the Repayment of certain Sums advanced by the Governor and Company of the Bank of Ireland for the Public Service.

[7th August 1840.]

- 21 & 22 G. 3. (I.) WHEREAS the Governor and Company of the Bank of Ireland, at different Times, advanced, for the Public Service, to His Majesty King George the Third, Three several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, and One million two hundred and fifty thousand Pounds, late Irish Currency; and to His Majesty King George the Fourth a Sum of Five hundred thousand Pounds like Currency: And whereas by virtue of an Act passed in the Parliament of Ireland in the Twenty-first and Twenty-second Years of the Reign of His Majesty King George the Third, intituled *An Act for establishing a Bank by the Name of the Governor and Company of the Bank of Ireland*; and of another Act passed in the said Parliament of Ireland in the Thirty-first Year of the said Reign, for extending the Provisions of the said first-recited Act; and of another Act passed in the said Parliament of Ireland in the Thirty-sixth Year of the said Reign, intituled *An Act for securing the Payment of the Annuities, and of the Interest upon the Principal Sums therein provided, for and towards the Discharge of such Principal Sums, in such Manner as therein is directed, and for enabling the Officers of His Majesty's Treasury to receive certain Sums for a limited Time in manner therein mentioned, and for granting unto His Majesty a certain Sum of Money out of the Consolidated Fund, and for applying a certain Sum of Money therein mentioned for the Service of the Year One thousand seven hundred and ninety-six, and for other Purposes*; and of another Act passed in the said Parliament of Ireland in the Thirty-seventh Year of the said Reign, for further extending the Provisions of the said first-recited Act; and of another Act passed in the Parliament of the United Kingdom in the Forty-eighth Year of the said Reign, intituled *An Act for further extending the Provisions of several Acts for establishing the Bank of Ireland, and for empowering the Governor and Company of the said Bank to advance the Sum of One million two hundred and fifty thousand Pounds, Irish Currency, towards the Service of the Year One thousand eight hundred and eight*; and of another Act passed in the First and Second Years of the Reign of His Majesty King George the Fourth, intituled *An Act to establish an Agreement with the Governor and Company of the Bank of Ireland for advancing the Sum of Five hundred thousand Pounds, Irish Currency; and to empower the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to Three Millions*; and of another Act passed in the Third Year of the said last-mentioned Reign, intituled *An Act to reduce the Rate*
- 36 G. 3. (I.)
- 37 G. 3. (I.)
- 48 G. 3. c. 103.
- 1 & 2 G. 4. c. 72.
- 3 G. 4. c. 2

‘ *Rate of Interest payable on the Sum of One million two hundred*
 ‘ *and fifty thousand Pounds, advanced by the Governor and Com-*
 ‘ *pany of the Bank of Ireland for the Public Service under an*
 ‘ *Act made in the Forty-eighth Year of His late Majesty; and of*
 ‘ *another Act passed in the First Year of the Reign of Her*
 ‘ *present Majesty, intituled An Act to postpone until the First* 7 W. 4. &
 ‘ *Day of January One thousand eight hundred and thirty-nine the* 1 Vict. c. 59.
 ‘ *Repayment of certain Sums advanced by the Bank of Ireland*
 ‘ *for the Public Service; and of another Act passed in the First*
 ‘ *and Second Years of the Reign of Her present Majesty,*
 ‘ *intituled An Act further to postpone until the First Day of* 1 & 2 Vict. c. 81.
 ‘ *January One thousand eight hundred and forty the Repayment*
 ‘ *of certain Sums advanced by the Bank of Ireland for the Public*
 ‘ *Service; and of another Act passed in the last Session of*
 ‘ *Parliament, intituled An Act to continue until the First Day* 2 & 3 Vict. c. 91.
 ‘ *of January One thousand eight hundred and forty-one an Act of*
 ‘ *the last Session of Parliament relating to the Bank of Ireland;*
 ‘ *Two several Annuities of Thirty thousand Pounds and*
 ‘ *Twenty-five thousand Pounds late Irish Currency are now*
 ‘ *payable to the Governor and Company of the said Bank, and*
 ‘ *their Successors for ever, in respect of the said Sum of Six*
 ‘ *hundred thousand Pounds and the first herein-before men-*
 ‘ *tioned Sum of Five hundred thousand Pounds, subject never-*
 ‘ *theless to Redemption upon the Dissolution of the said*
 ‘ *Corporation as herein-after mentioned; and an Annuity*
 ‘ *of Fifty thousand Pounds like Currency is now payable to*
 ‘ *the Governor and Company of the said Bank in respect of*
 ‘ *the said Sum of One million two hundred and fifty thousand*
 ‘ *Pounds; and Interest at the Rate of Four Pounds per Cen-*
 ‘ *tum per Annum is now also payable to the Governor and*
 ‘ *Company of the said Bank, on the said secondly herein-*
 ‘ *before mentioned Sum of Five hundred thousand Pounds,*
 ‘ *until the First Day of January One thousand eight hundred*
 ‘ *and forty-one, unless such Sums should be sooner repaid; and*
 ‘ *such several Annuities or Interest are now chargeable upon*
 ‘ *the Consolidated Fund of the United Kingdom of Great*
 ‘ *Britain and Ireland, and the Repayment of such Two last-*
 ‘ *mentioned Sums of One million two hundred and fifty thou-*
 ‘ *sand Pounds and Five hundred thousand Pounds is, under*
 ‘ *the Provisions of the said Acts, charged upon the said Con-*
 ‘ *solidated Fund, and such Repayment is to be made to the*
 ‘ *Governor and Company of the said Bank on the said First*
 ‘ *Day of January One thousand eight hundred and forty-one:*
 ‘ *And whereas under the Provisions of the said Acts the said*
 ‘ *Two several first-mentioned Annuities of Thirty thousand*
 ‘ *Pounds and Twenty-five thousand Pounds may be terminated,*
 ‘ *and the Corporation of the Governor and Company of the*
 ‘ *said Bank may be dissolved, on Repayment of the said*
 ‘ *several Sums of Money so advanced, and Payment of all*
 ‘ *Arrears of the said Annuities and Interest, and on the giving*
 ‘ *of certain Notices in the said Acts mentioned, or upon like*
 ‘ *Repayment, by and with the Desire and Consent of the said*
 ‘ *Governor*

‘ Governor and Company, signified by Petition under their
 ‘ Common Seal: And whereas the said Governor and Com-
 ‘ pany of the Bank of *Ireland* have agreed that the said several
 ‘ Advances so made by them for the Public Service, (that is to
 ‘ say,) the said Three several Sums of Six hundred thousand
 ‘ Pounds, Five hundred thousand Pounds, and One million
 ‘ two hundred and fifty thousand Pounds advanced to His
 ‘ Majesty King *George* the Third, and the said Sum of Five
 ‘ hundred thousand Pounds advanced to His Majesty King
 ‘ *George* the Fourth, shall be consolidated, and that the whole
 ‘ Debt, consisting of such consolidated Sums, shall be redeem-
 ‘ able at the Time and in the Manner and subject to the
 ‘ Provisions herein-after mentioned:’ Be it therefore enacted
 by the Queen’s most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That so much of the said recited Acts,
 or any of them, as provides that the said Governor and Com-
 pany of the Bank of *Ireland* shall for ever receive the said
 several Annuities of Thirty thousand Pounds and Twenty-
 five thousand Pounds late *Irish* Currency, and also so much
 of the said recited Acts, or any of them, as provides that the
 herein-before mentioned respective Sums of Five hundred
 thousand Pounds and One million two hundred and fifty
 thousand Pounds, late *Irish* Currency, shall be repaid on the
 First Day of *January* One thousand eight hundred and forty-
 one, and also so much of the said recited Acts, or any of
 them, as provides that an Annuity of Fifty thousand Pounds
 late *Irish* Currency shall be paid to the Governor and Company
 of the said Bank, in respect of the said Sum of One million
 two hundred and fifty thousand Pounds, and that Interest, at
 the Rate of Four Pounds *per Centum per Annum*, shall be
 paid to the Governor and Company of the said Bank on the
 said last-mentioned Sum of Five hundred thousand Pounds
 until the said First Day of *January* One thousand eight
 hundred and forty-one, unless such Sums shall be sooner
 repaid, shall be and the same is hereby repealed.

II. And be it enacted, That from and after the passing of
 this Act there shall be paid and payable, but subject to the
 Condition of Redemption herein-after contained, at the Receipt
 of Her Majesty’s Exchequer in *Dublin*, to the Governor and
 Company of the said Bank of *Ireland*, out of the Consolidated
 Fund of the United Kingdom of *Great Britain* and *Ireland*,
 an Interest or Annuity of One hundred and fifteen thousand
 three hundred and eighty-four Pounds Twelve Shillings and
 Four-pence, being a Sum equal in the now lawful Currency of
 the United Kingdom to the Amount of the said several Annuities
 of Thirty thousand Pounds, Twenty-five thousand Pounds, and
 Fifty thousand Pounds, late *Irish* Currency, and of the Interest,
 at the Rate of Four Pounds *per Centum per Annum*, on the said
 last-mentioned Sum of Five hundred thousand Pounds late *Irish*
 Currency, which Interest or Annuity of One hundred and fifteen
 thousand

So much of
 recited Acts as
 provides for the
 Payment of
 certain Annui-
 ties and Sums
 to the Bank of
 Ireland to
 cease.

An Annuity in
 British Cur-
 rency equal to
 the Amount of
 the said several
 Annuities in
 Irish Currency
 made payable
 to the Bank,
 but subject to
 Redemption.

thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence shall be paid and payable by Two equal half-yearly Payments, without any Defalcation or Abatement, on the Fifth Day of *January* and the Fifth Day of *July* in each Year, the first Payment of the said Interest or Annuity to be made on the Fifth Day of *January* in the Year One thousand eight hundred and forty-one: Provided always, that the Payment to be made to the said Governor and Company on the Fifth Day of *January* next shall be only a proportionate Part of the said Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, for the Period that shall have elapsed from the passing of this Act to the said Fifth Day of *January* next.

A proportionate Part only to be paid on the 5th January next.

III. And be it enacted, That there shall be paid to the said Governor and Company of the Bank of *Ireland* in *Dublin*, out of the Consolidated Fund of the said United Kingdom, within Ten Days next after the passing of this Act, a proportionate Part of the said several Annuities of Thirty thousand Pounds, Twenty-five thousand Pounds, and Fifty thousand Pounds, late *Irish* Currency, for the Time that shall have elapsed from the last half-yearly Days of Payment thereof respectively to the Day of the passing of this Act; and there shall also be paid to the said Governor and Company, at the same Time, Interest on the said Sum of Five hundred thousand Pounds late *Irish* Currency, at the Rate of Four Pounds *per Centum per Annum*, from the Fifth Day of *July* last to the Day of the passing of this Act.

The Interest accrued or accruing due to the passing of this Act shall be now paid.

IV. Provided always, and be it enacted, That if at any Time after the First Day of *January* One thousand eight hundred and forty-one the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, shall be desirous and intend to redeem the said Interest or Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, on Repayment of the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, One million two hundred and fifty thousand Pounds, and Five hundred thousand Pounds, all late *Irish* Currency, and shall at any Time after that Day give Six Months Notice to the Governor and Company of the said Bank of *Ireland* of such his or their Desire and Intention, it shall be lawful for the said Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, to repay the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, One million two hundred and fifty thousand Pounds, and Five hundred thousand Pounds, to the said Governor and Company; and upon such Repayment, together with all Arrears of the said Interest or Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, then accrued or accruing due, the said Interest or Annuity shall cease and determine, any thing in this Act to the contrary notwithstanding.

Treasury empowered to redeem the Annuity on Six Months Notice, to be given at any Time after 1st January next.

notwithstanding; and any Notice in Writing under the Hand of the said Lord High Treasurer, or under the Hands of any Three or more of the said Commissioners of Her Majesty's Treasury, and delivered at the public Office of the Governor and Company of the said Bank, or their Successors, shall be deemed and adjudged to be a sufficient Notice within the Meaning of this Act.

Annuity may
be reduced with
Consent of the
Bank.

V. 'And whereas the Governor and Company of the said Bank of *Ireland* may be hereafter willing to accept a lower Rate of Interest on the said several Sums so from Time to Time advanced by them for the Public Service, and in respect whereof the said Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence is hereby made payable to them;' be it therefore provided and enacted, That it shall and may be lawful for the Governor and Company of the said Bank, and they are hereby empowered, by any Instrument in Writing, sealed with their Common Seal, and addressed to the Lord High Treasurer or Commissioners of the Treasury for the Time being, to signify their Consent and Agreement to receive such smaller Interest or Annuity, in lieu of the said Interest or Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, as they may think fit, from and after such Day as may be named in that Behalf in such Instrument; and it shall be thereupon lawful for the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, by Warrant under his or their Hands, to order and direct that such smaller Interest or Annuity shall and may be paid and payable from and out of the said Consolidated Fund, by Two equal half-yearly Payments, in like Manner, and on the same Days in each Year, as herein-before specified in respect of the said Interest or Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence; and such smaller Interest or Annuity shall be in lieu and satisfaction of the said Interest or Annuity of One hundred and fifteen thousand three hundred and eighty-four Pounds Twelve Shillings and Four-pence, payable under the herein-before contained Provisions, and shall and may be redeemed in like Manner and subject in all respects to the like Provisions.

Warrant directing Reduction to be laid before Parliament.

VI. And be it enacted, That a Copy of such Instrument and Warrant shall be laid before both Houses of Parliament if then sitting, and if not then sitting within Ten Days next after the Commencement of the then next Session.

Principal and Interest to continue chargeable on the Consolidated Fund.

VII. And be it enacted, That the Repayment of the said respective Sums of One million two hundred and fifty thousand Pounds and the said secondly mentioned Sum of Five hundred thousand Pounds, both late *Irish* Currency, and the consolidated Interest or Annuity aforesaid, shall continue to be and be and the same is hereby made chargeable upon the said Consolidated Fund, until Parliament shall otherwise provide, in like Manner as the said several Sums, and the said former Annuities or Interest,

Interest, were or are charged and chargeable; and Repayment of the said respective Sums shall be made at or previous to the Dissolution of the said Corporation of the Governor and Company of the said Bank of *Ireland*.

VIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to alter or repeal the Provisions made by the said recited Acts, or any of them, for or in respect of the Dissolution of the said Corporation of the Governor and Company of the said Bank of *Ireland*, save only so far as the same may be varied by the Provision herein-before made requiring the Repayment, at or previous to such Dissolution, as well of the said Sum of One million two hundred and fifty thousand Pounds, and the said secondly-mentioned Sum of Five hundred thousand Pounds, as of the said Sum of Six hundred thousand Pounds and the said first-mentioned Sum of Five hundred thousand Pounds, or by the Power herein-before contained authorizing the previous Payment of the said Sums of Six hundred thousand Pounds and Five hundred thousand Pounds; and that, save as by this Act otherwise specially provided, the said Acts shall remain in full Force and Effect.

IX. And be it enacted, That, notwithstanding the Repayment of the said several Sums of Six hundred thousand Pounds, Five hundred thousand Pounds, One million two hundred and fifty thousand Pounds, and Five hundred thousand Pounds, late *Irish* Currency, should the same be made at any Time previous to the Dissolution of the said Corporation under the Provision herein-before in that Behalf made, all the Powers, Authorities, Franchises, Privileges, and Advantages given or recognized by the said recited Acts, or any of them, as belonging to or enjoyed by the Governor and Company of the said Bank of *Ireland*, shall be and the same are hereby declared to be and remain in full Force and Effect, subject nevertheless to the Provision by the said recited Acts or any of them, and this Act, made for the Redemption thereof, and for the Dissolution of the said Corporation.

X. ' And whereas by the herein-before recited Act, passed ' in the Parliament of *Ireland* in the Thirty-sixth Year of the ' Reign of His Majesty King *George* the Third, a certain ' annual Sum was made payable by the Governor and Com- ' pany of the said Bank, on the Twenty-fourth Day of *June* in ' every Year, into the Receipt of the Exchequer, for the Use ' of His said Majesty, His Heirs and Successors, in respect of ' the Monies of the Suitors in His Majesty's Courts, and of ' the Public, deposited in the said Bank: And whereas other ' Arrangements have been since made in respect of the said ' Suitors Fund, and the said Payment is now reduced to the ' annual Sum of Two thousand Pounds or thereabouts; and it ' is expedient, with a view to facilitate such Arrangements as ' may be hereafter made for the Reduction of the said Interest ' or Annuity under the Provisions herein-before contained, ' that the Lord High Treasurer or Commissioners of Her ' Majesty's

The Provisions for terminating the Charter and Privileges of the Bank shall remain in full Force.

Powers of the Bank not to be affected.

The annual Payment under 36 G. 3. c. 1. may be remitted by the Treasury.

Warrant to be
laid before Par-
liament.

Act may be
amended, &c.

‘ Majesty’s Treasury shall be empowered, at his or their Dis-
cretion, to remit the said annual Payment;’ be it therefore
enacted, That it shall and may be lawful for the said Lord
High Treasurer or the Commissioners of Her Majesty’s
Treasury, or any Three or more of them, for the Time being,
by Warrant in Writing under his or their Hands, to remit
the said annual Payment from and after such Time as shall
be expressed in such Warrant; and thereupon such annual Pay-
ment shall cease according to the Tenor of such Warrant, any
thing in the said recited Act directing the same to be made to
the contrary hereof notwithstanding; and a Copy of any such
Warrant shall be laid before both Houses of Parliament if then
sitting, and if not then sitting within Ten Days after the Com-
mencement of the then next Session of Parliament.

XI. And be it enacted, That this Act may be amended or
repealed by any Act to be passed in this present Session of
Parliament.

CAP. LXXVI.

An Act to empower the Lord Lieutenant of *Ireland*
to annex certain Townlands to the County of *Ros-*
common.
[7th August 1840.]

6 & 7 W. 4. c. 84.

‘ **W**HEREAS by an Act passed in the Sixth and Seventh
Years of the Reign of His Majesty King *William* the
Fourth, intituled *An Act to consolidate and amend the several*
Acts for the uniform Valuation of Lands and Tenements in
Ireland; and to incorporate certain detached Portions of Counties
and Baronies with those Counties and Baronies respectively whereto
the same may adjoin or wherein the same are locally situate, it is
amongst other things enacted, that whenever the Surveyors or
Persons appointed by the Lord Lieutenant of *Ireland* to
ascertain and mark out the reputed Boundaries of any County
in *Ireland* shall find that there is any detached or isolated
Portion of any one County locally situated within any other
County, the said Surveyors or Persons shall make a Report
thereof to the said Lord Lieutenant in Council; and the said
Lord Lieutenant in Council shall be thereupon authorized
and required to make Order directing such detached or isolated
Portion of a County to be annexed to and incorporated with
the County wherein the same may be locally situate: And
whereas the Townlands of *Aughalusta, Lission, Cappagh, Roosky*
Banada, and Keel Banada, comprise a detached Portion of the
County of *Mayo* in *Ireland*, being separated from that County
by the River *Lung*, and are situated within the County of
Roscommon, although not completely isolated therein; and
it is expedient, for the Purpose of the General Survey of
Ireland now carrying on under the Direction of the Master
General and Board of Ordnance, and for the Purpose of the
Valuation consequent upon such Survey, that such detached
Portion

‘ Portion of the County of *Mayo* should be comprised and included in the County of *Roscommon*, so that the said Counties of *Mayo* and *Roscommon* may respectively consist of One continuous Tract of Land:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever the Surveyors or Persons appointed by the said Lord Lieutenant to ascertain and mark out the reputed Boundaries of each or any County, Barony, Half Barony, Parish, or other Division or Denomination of Land in *Ireland*, with a view to the more effectual Execution of the General Survey now in progress throughout *Ireland* under the Direction of Officers appointed by the Master General and Board of Ordnance, pursuant to the Provisions of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to repeal an Act of the last Session of Parliament relative to the forming Tables of Manors, Parishes, and Townlands in Ireland, and to make Provision for ascertaining the Boundaries of the same*, shall find that the said Townlands comprise a detached Portion of the County of *Mayo*, and that they are separated from the said County by the River *Lung*, and are locally situated within the County of *Roscommon*, although not completely isolated therein, the said Surveyors or Persons shall make a Report to the said Lord Lieutenant in Council, stating the Situation of such detached Portion of the County of *Mayo* and of the adjoining County of *Roscommon*, and describing the same in a Plan or Map to be annexed to such Report; and thereupon such Lord Lieutenant in Council shall make Order directing such detached Portion of the County of *Mayo* to be annexed to and incorporated with the County of *Roscommon*, and shall and may by such Order limit and determine the Purposes to which such Union and Annexation shall extend, and fix and declare from what Period the same shall take effect, and settle and adjust all such other Matters and Things in respect thereof as the said Lord Lieutenant and Council are required and authorized to settle and adjust in Cases where they shall direct any detached Portion of a County to be annexed to and incorporated with any other County, under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth; and that it shall be lawful for the said Lord Lieutenant in Council, from Time to Time as Occasion may require, to make such and the like supplemental Order or Orders, for removing such Doubts or settling such Disputes as may arise in consequence of the Changes effected by virtue of the Provisions in this Act contained, as the said Lord Lieutenant and Council are authorized to make in consequence of any Charges effected in Cases where any detached Portion of a County is directed to be annexed to and incorporated with any other County under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of His Majesty King *William* the

Lord Lieutenant in Council authorized, on Report of Boundary Surveyors, to order certain Townlands, comprising a detached Portion of the County of *Mayo*, to be annexed to the County of *Roscommon*, within which they are locally situated;

and to make such Supplemental Order in respect thereof, as said Lord Lieutenant and Council are authorized to make in respect of any detached Portion of a County annexed to any other County under 6 & 7 W. 4. c. 84.

Fourth; and such Order or supplemental Order shall be made and dealt with in the like Manner, and be of the like Validity and Effect, as any Order or supplemental Order made under the Provisions of the said last-mentioned Act: Provided always, that if any Person, being Owner or Proprietor of any Portion of any of the said Townlands respectively, shall refuse his Concurrence to such Annexation or Incorporation, and shall declare such Refusal, in Writing, to the said Lord Lieutenant, within Three Months after the passing of this Act, the Townland whereof, or of any Portion whereof, he is Owner or Proprietor, shall be excluded from the Operation of this Act.

Provisions of
6 & 7 W. 4. c. 84.
in respect of
detached Por-
tions of a
County annex-
ed to any other
County extend-
ed to this Act.

II. And be it enacted, That all the Clauses, Powers, Provisions, Regulations, Penalties, and Forfeitures in the said last-mentioned Act contained, in relation to the ascertaining and making out the Boundaries of any detached or isolated Portion of any County, or in relation to any detached or isolated Portion of a County annexed to or incorporated with any other County under and by virtue of the Authority therein contained, shall extend and apply, as far as the same are applicable, to this Act, as fully and effectually as if such Clauses, Powers, Provisions, Regulations, Penalties, and Forfeitures were herein set forth and re-enacted, and that the said last-recited Act and this Act shall be construed together as One Act to all Intents and Purposes whatsoever.

Act may be
amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. LXXVII.

An Act for improving the Condition and extending the Benefits of Grammar Schools.

[7th August 1840.]

‘ WHEREAS there are in *England* and *Wales* many endowed
‘ Schools, both of Royal and Private Foundation, for
‘ Education of Boys or Youth wholly or principally in Gram-
‘ mar; and the Term “Grammar” has been construed by
‘ Courts of Equity as having reference only to the dead Lan-
‘ guages, that is to say, Greek and Latin: And whereas such
‘ Education, at the Period when such Schools or the greater
‘ Part were founded, was supposed not only to be sufficient to
‘ qualify Boys or Youths for Admission to the Universities, with
‘ a view to the learned Professions, but also necessary for pre-
‘ paring them for the superior Trades and Mercantile Business:
‘ And whereas from the Change of Times and other Causes such
‘ Education, without Instruction in other Branches of Literature
‘ and Science, is now of less Value to those who are entitled
‘ to avail themselves of such charitable Foundations, whereby
‘ such Schools have, in many Instances, ceased to afford a sub-
‘ stantial Fulfilment of the Intentions of the Founders; and
‘ the

' the System of Education in such Grammar Schools ought
 ' therefore to be extended and rendered more generally bene-
 ' ficial, in order to afford such Fulfilment; but the Patrons,
 ' Visitors, and Governors thereof are generally unable of their
 ' own Authority to establish any other System of Education
 ' than is expressly provided for by the Foundation, and Her
 ' Majesty's Courts of Law and Equity are frequently unable to
 ' give adequate Relief, and in no Case but at considerable
 ' Expence: And whereas in consequence of Changes which have
 ' taken place in the Population of particular Districts it is
 ' necessary, for the Purpose aforesaid, that in some Cases the
 ' Advantages of such Grammar Schools should be extended to
 ' Boys other than those to whom by the Terms of the Foun-
 ' dation or the existing Statutes the same is now limited, and
 ' that in other Cases some Restriction should be imposed, either
 ' with reference to the total Number to be admitted into the
 ' School, or as regards their Proficiency at the Time when they
 ' may demand Admission; but in this respect also the said
 ' Patrons, Visitors, and Governors, and the Courts of Equity,
 ' are frequently without sufficient Authority to make such Ex-
 ' tension or Restriction: And whereas it is expedient that in
 ' certain Cases Grammar Schools in the same Place should be
 ' united: And whereas no Remedy can be applied in the Pre-
 ' mises without the Aid of Parliament: Be it therefore declared
 and enacted by the Queen's most Excellent Majesty, by and
 with the Advice and Consent of the Lords Spiritual and Tem-
 poral, and Commons, in this present Parliament assembled, and
 by the Authority of the same, That whenever, after the passing
 of this Act, any Question may come under Consideration in
 any of Her Majesty's Courts of Equity concerning the System
 of Education thereafter to be established in any Grammar
 School, or the Right of Admission into the same, whether such
 Question be already pending, or whether the same shall arise
 upon any Information, Petition, or other Proceedings which
 may be now or at any Time hereafter filed or instituted, for
 whatever Cause the same may have been or may be instituted,
 according to the ordinary Course of Proceedings in Courts of
 Equity or under the Provisions of this Act, it shall be lawful
 for the Court to make such Decrees or Orders as to the said
 Court shall seem expedient, as well for extending the System of
 Education to other useful Branches of Literature and Science in
 addition to or (subject to the Provisions herein-after contained)
 in lieu of the Greek and Latin Languages, or such other Instruc-
 tion as may be required by the Terms of the Foundation or the
 then existing Statutes, as also for extending or restricting the
 Freedom or the Right of Admission to such School, by deter-
 mining the Number or the Qualifications of Boys who may there-
 after be admissible thereto, as free Scholars or otherwise, and for
 settling the Terms of Admission to and Continuance in the same,
 and to establish such Schemes for the Application of the Reven-
 ues of any such Schools as may in the Opinion of the Court
 be conducive to the rendering or maintaining such Schools

Courts of
 Equity empow-
 ered, whenever
 a Question
 comes before
 them, to make
 Decrees or Or-
 ders extending
 the System of
 Education and
 the Right of
 Admission into
 any School, and
 to establish
 Schemes for the
 Application of
 its Revenues,
 having due
 Regard to the
 Intentions of
 the Founder.

in the greatest Degree efficient and useful, with due Regard to the Intentions of the respective Founders and Benefactors, and to declare at what Period and upon what Event such Decrees or Orders, or any Directions contained therein, shall be brought into operation, and that such Decrees and Orders shall have Force and Effect notwithstanding any Provisions contained in the Instruments of Foundation, Endowment, or Benefaction, or in the then existing Statutes: Provided always, that in case there shall be any special Visitor appointed by the Founder, or other competent Authority, Opportunity shall be given to such Visitor to be heard on the Matters in question, in such Manner as the Court shall think proper, previously to the making such Decrees or Orders.

Before making such Decrees the Courts shall consider the Intentions of the Founders, the State of School, &c.

II. Provided always, and be it enacted, That in making any such Decree or Order the Court shall consider and have regard to the Intentions of the Founders and Benefactors of every such Grammar School, the Nature and Extent of the Foundation and Endowment, the Rights of Parties interested therein, the Statutes by which the same has been hitherto governed, the Character of the Instruction theretofore afforded therein, and the existing State and Condition of the said School, and also the Condition, Rank, and Number of the Children entitled to and capable of enjoying the Privilege of the said School, and of those who may become so capable if any extended or different System of Education, or any Extension of the Right of Admission to the said School, or any new Statutes, shall be established.

Court not to dispense with the principal Objects, or the Qualifications required, unless Revenues are insufficient.

III. Provided also, and be it enacted, That, unless it shall be found necessary from the Insufficiency of the Revenues of any Grammar School, nothing in this Act contained shall be construed as authorizing the Court to dispense with the teaching of Latin and Greek, or either of such Languages, now required to be taught, or to treat such Instruction otherwise than as the principal Object of the Foundation; nor to dispense with any Statute or Provision now existing, so far as relates to the Qualification of any Schoolmaster or Under Master.

Standard of Admission not to be lowered where Greek and Latin is retained.

IV. Provided also, and be it enacted, That in extending, as herein-before provided, the System of Education or the Right of Admission into any Grammar School in which the teaching of Greek or Latin shall be still retained, the Court shall not allow of the Admission of Children of an earlier Age or of less Proficiency than may be required by the Foundation or existing Statutes, or may be necessary to show that the Children are of Capacity to profit by the Kind of Education designed by the Founder.

Where the teaching of Greek and Latin is dispensed with, analogous Instruction to be substituted, &c.

V. Provided also, and be it enacted, That whenever, on account of the Insufficiency of the Revenues of any Grammar School, the Court shall think fit to dispense with the teaching of Greek or Latin, the Court shall prescribe such a Course of Instruction, and shall require such Qualifications in the Children at the Period of their Admission, as will tend to maintain the Character of the School as nearly as, with reference to the

Amount

Amount of the Revenues, it may be analogous to that which was contemplated by the Founder; and that whenever, on the like Account, the Court shall think fit to dispense with any Statute or Provision as far as relates to the Qualification of any Schoolmaster or Under Master, the Court shall substitute such Qualification as will provide for every Object implied in the original Qualification, which may be capable of being retained notwithstanding such Insufficiency of the Revenues.

VI. Provided also, and be it enacted, That in case the Appointment of any additional Schoolmaster or Under Master shall be found necessary for the Purpose of carrying the Objects of this Act into execution, the Court shall require the same Qualification in such new Schoolmaster or Under Master respectively as may be required by the existing Statutes in the present Schoolmaster or Under Master, except such as may be wholly referable to their Capability of giving Instruction in any particular Branch of Education; but that every other Qualification implied in the Qualification of the original Schoolmaster or Under Master, and capable of being retained, shall be retained and required in such new Schoolmaster or Under Master; and the Court shall also in such Case declare in whom the Appointment of such new Schoolmaster or Under Master shall be vested, so as to preserve as far as may be the existing Rights of all Parties with regard to Patronage.

Qualifications of new Schoolmasters and Right of Appointment regulated.

VII. Provided also, and be it enacted, That although under the Provisions herein-before contained the teaching of Greek or Latin in any Grammar School may be dispensed with, every such School, and the Masters thereof, shall be still considered as Grammar Schools, and Grammar Schoolmasters, and shall continue subject to the Jurisdiction of the Ordinary as heretofore; and that no Person shall be authorized to exercise the Office of Schoolmaster or Under Master therein without having such Licence, or without having made such Oath, Declaration, or Subscription as may be required by Law of the Schoolmasters or Under Masters respectively of other Grammar Schools.

Schools to be Grammar Schools, though Greek and Latin dispensed with, and Masters subject to the Ordinary.

VIII. Provided also, and be it enacted, That whenever the Court shall think fit to extend the Freedom of or the Right of Admission into any Grammar School, such Extension shall be so qualified by the Court that none of the Boys who are by the Foundation or existing Statutes entitled to such Privilege shall be excluded, by the Admission of other Boys into the said School, either from such School itself or from Competition for any Exhibition or other Advantage connected therewith.

Extension of Right of Admission not to prejudice existing Rights.

IX. And be it enacted, That in case there shall be in any City, Town, or Place any Grammar School or Grammar Schools, the Revenues of which shall of themselves be insufficient to admit of the Purposes of their Founder or Founders being effected, but which Revenues if joined to the Revenues of any other Grammar School or Grammar Schools in the same City, Town, or Place would afford the Means of effecting the Purposes of the Founders of such several Schools, it shall be lawful for the Court of Chancery to direct such Schools to be united, and

Where several Schools are in one Place, and the Revenues of any are insufficient, they may be united.

Consents
necessary
to Union.

the Revenues of the Schools so united to be applied to the Support of One School to be formed by such Union, and which shall be carried on according to a Scheme to be settled for that Purpose under the Direction of the said Court: Provided always, that before Application shall be made to the Court to direct such Union the Consent of the Visitor, Patron, and Governors of every School to be effected thereby shall be first obtained.

Present School-
masters not to
be affected, but
to be at liberty
to resign on
receiving Pen-
sions.

X. Provided always, and be it enacted, That no new Statutes affecting the Duties or Emoluments of any Schoolmaster or Under Master shall be brought into operation as regards any such Master who shall have been appointed previously to the passing of this Act without his Consent in Writing; but that in case any such Schoolmaster or Under Master as last aforesaid shall be unwilling to give such Consent as aforesaid, and shall be desirous or willing to resign his Office on receiving a retiring Pension, it shall be lawful for the Governors, if there be any competent to act, or if there be no such Governors, for the Visitor, to assign to such Master such Pension as to them or him (as the Case may be) shall seem reasonable from the Time of his Resignation, which Pension, if approved as herein-after mentioned, the Trustees of the said School are hereby authorized and required to pay to him, or his Order, according to the Terms of such Assignment.

How new Ap-
pointment of
Master to be
made.

XI. And be it enacted, That any Schoolmaster appointed in any Grammar School after the passing of this Act shall receive his Appointment subject to such new Statutes as may be made and confirmed by the Court of Chancery, in pursuance of any Proceedings which may be commenced under this Act, within Six Months after such Vacancy shall have occurred.

Lapse of Right
of Nomination
of Master shall
take place from
Time of settling
the new Sta-
tutes.

XII. Provided always, and be it enacted, That the Term on the Expiration of which any Right of Nomination or Appointment of the Master in any Grammar School would otherwise lapse shall, on the first Avoidance of the Office which shall occur after the passing of this Act, be computed from the Time of the Confirmation of the new Statutes by which the School is to be in future governed, or if no Proceedings are pending for the Purpose of having Statutes established from the Expiration of the Time within which such Proceedings may be instituted, and not from the Time of the Avoidance.

Where suffi-
cient Powers
of Discipline
exist, the Per-
sons possessing
to be at liberty
to exercise
them.

XIII. 'And whereas it is expedient that the Discipline of Grammar Schools should be more fully enforced;' be it declared and enacted, That in all Cases in which sufficient Powers, to be exercised by way of Visitation or otherwise in respect of the Discipline of such Schools, shall already exist and be vested in any Person or Persons, it shall be lawful for such Person or Persons to exercise the same when and so often as they shall deem fit, either by themselves personally or by Commission, without being first requested or required so to do, and likewise to direct such Returns to be made by the Masters of such Schools, of the State thereof, of the Books used therein, and of such other Particulars as he or they may think proper, and

and also to order such Examinations to be held into the Proficiency of the Scholars attending the same as to him or them may seem expedient.

XIV. And be it enacted, That in all Cases in which any Person or Persons, having Authority, by way of Visitation or otherwise, in respect of the Discipline of any Grammar School, may not have sufficient Power properly to enforce the same, it shall be lawful for the Court of Chancery to order and direct that the Powers of such Person or Persons shall be enlarged to such Extent and in such Manner, and subject to such Provisions, as to the said Court shall seem fit.

Where such Powers not sufficient, Court may enlarge them.

XV. And be it enacted, That in all Cases in which no Authority to be exercised by way of Visitation in respect of the Discipline of any Grammar School is now vested in any known Person or Persons, it shall be lawful for the Bishop of the Diocese wherein the same is locally situated to apply to the Court of Chancery, stating the same; and the said Court shall have Power if it so think fit to order that the said Bishop shall be at liberty to visit and regulate the said School in respect of the Discipline thereof, but not further or otherwise.

Where no such Powers, Court may create them.

XVI. And be it enacted, That in event of the Person or Persons by whom Powers of Visitation in respect of the Discipline of any Grammar School ought to be exercised refusing or neglecting so to do within a reasonable Time after the same ought to be exercised, or in the event of its being uncertain in whom the Right to exercise such Powers is vested, such Powers shall be exercised *pro hac vice* by some Person specially appointed by the Authority of the Court of Chancery, on Application made by any Person or Persons interested in such Grammar School: Provided always, that nothing herein contained shall exempt any Visitor from being compelled by any Process to which he is now amenable to perform any Act which he is now compellable to perform.

Court of Chancery may substitute a Person to act *pro hac vice* in certain Cases.

Proviso.

XVII. 'And whereas it is expedient to provide for the more easy Removal of unfit and improper Masters;' be it declared and enacted, That it shall be lawful for the Court of Chancery to empower the Person or Persons having Powers of Visitation in respect of the Discipline of any Grammar School, or who shall be specially appointed to exercise the same under this Act, and the Governors, or either of them, after such Inquiries and by such Mode of Proceeding as the Court shall direct, to remove any Master of any Grammar School who has been negligent in the Discharge of his Duties, or who is unfit or incompetent to discharge them properly and efficiently, either from immoral Conduct, Incapacity, Age, or from any other Infirmary or Cause whatsoever.

Court of Chancery to have Power to appoint Mode of removing Masters.

XVIII. Provided always, and be it enacted, That in case the Cause for which any Master be removed shall be Incompetency from Age or other Infirmary, it shall be lawful for the said Governors, with the Approbation of the Visitor, to assign to the Use of such Master any Portion of the annual Revenues of the said Grammar School in One or more Donations, or by

Power in certain Cases to assign retiring Pension.

way of Annuity determinable on the Death of such Master, or on any other specified Event during his Life, or to assign to him any Part of the Estate of the said Grammar School for his Occupation for a Term determinable in like Manner; provided that there shall remain sufficient Means to provide for the efficient Performance of the Duties which belong to the Office from which such Master shall be removed.

Premises held
over by Masters
dismissed, or
ceasing to hold
Office, to be
recovered in a
summary Way.

XIX. And for the more speedy and effectual Recovery of the Possession of any Premises belonging to any Grammar School which the Master who shall have been dismissed as aforesaid, or any Person who shall have ceased to be Master, shall hold over after his Dismissal or ceasing to be Master, except under such Assignment as may have been made under the Provisions of this Act, the Term of such Assignment being still unexpired, and the Premises assigned being in the actual Occupation of the Master so dismissed or ceased to be Master, be it enacted, That when and as often as any Master holding any Schoolroom, Schoolhouse, or any other House, Land, or Tenement, by virtue of his Office, or as Tenant or otherwise under the Trustees of the said Grammar School, except on Lease for a Term of Years still unexpired, shall have been dismissed as aforesaid, or shall have ceased to be Master, and such Master, or (if he shall not actually occupy the Premises or shall only occupy a Part thereof) any Person by whom the same or any Part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up Possession of the Premises, or of such Part thereof respectively, except such as are herein-before excepted, within the Space of Three Months after such Dismissal or ceasing to be Master, it shall be lawful for Justices of the Peace acting for the District or Division in which such Premises or any Part thereof are situated, in Petty Sessions assembled, or any Two of them, and they are hereby required, on the Complaint of the said Trustees or their Agents, and on the Production of an Order of the Court of Chancery declaring such Master to have been duly dismissed or to have ceased to be Master, to issue a Warrant, under their Hands and Seals, to the Constables and Peace Officers of the said District or Division, commanding them, within a Period to be therein named, not less than Ten nor more than Twenty-one clear Days from the Date of such Warrant, to enter into the Premises, and give Possession of the same to the said Trustees or their Agents, in such Manner as any Justices of the Peace are empowered to give Possession of any Premises to any Landlord or his Agent under an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy.*

1 & 2 Vict. c. 74.

Master shall
not set up
Title, &c.

XX. Provided always, and be it enacted, That nothing in this Act or the said recited Act shall extend or be construed to extend to enable any Master so dismissed, or ceasing to be Master as aforesaid, to call in question the Validity of such Dismissal, provided that the same shall have proceeded from the

the Persons authorized to order the same, after such Inquiries and by such Mode of proceeding as required in that Behalf, or to call in question the Title of the Trustees to Possession of any Premises of which such Master shall have become possessed by virtue of his late Office, or as Tenant or otherwise under the Trustees of the said Grammar School for the Time being.

XXI. 'And whereas it is expedient to facilitate Applications to the Court of Chancery under this Act;' be it enacted, That all Applications may be heard and determined and all Powers given by this Act to the Court of Chancery may be exercised in Cases brought before such Court by Petition only, such Petitions to be presented, heard, and determined according to the Provisions of an Act passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, intituled *An Act to provide a summary Remedy in Cases of Abuses of Trusts created for charitable Purposes*.

Applications to Court to be made by Petition.

Such Petitions to be decided under 52 G. 3. c. 101.

XXII. And be it enacted, That in every Case in which the Patronage of any Grammar School, or Right of appointing the Schoolmaster or Under Master thereof, is vested in the Crown, the Lord High Chancellor, or the Chancellor of the Duchy of *Lancaster* in respect of any Grammar School within the County Palatine of *Lancaster*, shall be considered as the Patron of such Grammar School for the Purposes of this Act.

If Crown is Patron, Lord High Chancellor or Chancellor of Duchy of Lancaster shall act.

XXIII. And be it enacted, That the Powers and Authorities herein-before given to the Lord High Chancellor shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the Time being.

Powers of Lord Chancellor to be exercised by Lord Keeper, &c.

XXIV. Provided always, and be it enacted, That neither this Act nor any thing therein contained shall be any way prejudicial or hurtful to the Jurisdiction or Power of the Ordinary, but that he may lawfully execute and perform the same as heretofore he might according to the Statutes, Common Law, and Canons of this Realm, and also as far as he may be further empowered by this Act; and that this Act shall not be construed as extending to any of the following Institutions; (that is to say,) to the Universities of *Oxford* or *Cambridge*, or to any College or Hall within the same, or to the University of *London*, or any Colleges connected therewith, or to the University of *Durham*, or to the Colleges of *Saint David's* or *Saint Bee's*, or the Grammar Schools of *Westminster*, *Eton*, *Winchester*, *Harrow*, *Charter House*, *Rugby*, Merchant Tailors, *Saint Paul's*, *Christ's Hospital*, *Birmingham*, *Manchester*, or *Macclesfield*, or *Louth*, or such Schools as form Part of any Cathedral or Collegiate Church.

Saving of Rights of Ordinary.

Certain Foundations exempted from this Act.

XXV. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Grammar School" shall mean and include all endowed Schools, whether of Royal or other Foundation, founded, endowed,

Construction of Terms.

endowed, or maintained for the Purpose of teaching Latin and Greek, or either of such Languages, whether in the Instrument of Foundation or Endowment, or in the Statutes or Decree of any Court of Record, or in any Act of Parliament establishing such School, or in any other Evidences or Documents, such Instruction shall be expressly described, or shall be described by the Word "Grammar," or any other Form of Expression which is or may be construed as intending Greek or Latin, and whether by such Evidences or Documents as aforesaid, or in Practice, such Instruction be limited exclusively to Greek or Latin, or extended to both such Languages, or to any other Branch or Branches of Literature or Science in addition to them or either of them; and that the Words "Grammar School" shall not include Schools not endowed, but shall mean and include all endowed Schools which may be Grammar Schools by Reputation, and all other charitable Institutions and Trusts, so far as the same may be for the Purpose of providing such Instruction as aforesaid; that the Word "Visitor" shall mean and include any Person or Persons in whom shall be vested solely or jointly the Whole or such Portion of the visitatorial Power as regards the Subject of the Enactment or Provision, or any Powers in regard to the Discipline or making of new Statutes in any School; that the Word "Governors" shall mean and include all Persons or Corporations, whether Sole or Aggregate, by whatever Name they may be styled, who may respectively have the Government, Management, or Conduct of any Grammar School, whether they have also any Control over the Revenues of the School as Trustees or not; that the Word "Trustees" shall mean and include all Persons and Corporations, Sole or Aggregate, by whatever Name they may be styled, who shall have the Management, Disposal, and Control over the Revenues of any Grammar School, whether the Property be actually vested in them or not; that the Word "Statutes" shall mean and include all written Rules and Regulations by which the School, Schoolmasters, or Scholars are, shall, or ought to be governed, whether such Rules or Regulations are comprised in, incorporated with, or authorized by any Royal or other Charter, or other Instrument of Foundation, Endowment, or Benefaction, or declared or confirmed by Act of Parliament, or by Decree of any Court of Record, and also all Rules and Regulations which shall be unwritten, and established only by Usage or Reputation; that the Word "Schoolmaster" shall mean and include the Head Master only, and the Word "Under Master" every Master, Usher, or Assistant in any School except the Head Master; and that the Word "Master" shall mean and include as well any Head Master as Under Master; that the Words "Discipline" or "Management" of a School shall mean and include all Matters respecting the Conduct of the Masters or Scholars, the Method and Times of Teaching, the Examination into the Proficiency of the Scholars of any School, and the ordering of Returns or Reports

Reports with reference to such Particulars, or any of them; and that any Word importing the Singular Number only shall mean and include several Persons or Things as well as one Person or Thing, and the converse.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended this Session.

CAP. LXXVIII.

An Act to provide for the Sale of the Clergy Reserves in the Province of *Canada*, and for the Distribution of the Proceeds thereof.

[7th August 1840.]

‘ WHEREAS it is expedient to provide for the final Disposition of the Lands called Clergy Reserves in *Canada*, and for the Appropriation of the yearly Income arising or to arise therefrom, for the Maintenance of Religion and the Advancement of Christian Knowledge within the said Province;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Governor of the Province of *Canada*, by and with the Advice of his Executive Council, and under such Regulations as may be by him from Time to Time in Council established in that Behalf, and approved by the Queen in Council, to sell, grant, alienate, and convey in Fee Simple all or any of the said Clergy Reserves: Provided nevertheless, that the Quantity of the said Clergy Reserves so to be sold as aforesaid in any One Year shall not in the whole exceed One hundred thousand Acres, without the previous Approbation in Writing of One of Her Majesty’s Principal Secretaries of State.

Clergy Reserves may be sold.

Proviso.

II. And be it enacted, That the Proceeds of all past Sales of such Reserves which have been or shall be invested under the Authority of an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize the Sale of Part of the Clergy Reserves in the Provinces of Upper and Lower Canada*, shall be subject to such Orders as the Governor in Council shall make for investing, either in some Public Funds in the Province of *Canada*, secured on the Consolidated Fund of the said Province, or in the Public Funds of *Great Britain* and *Ireland*, the Amount now funded in *England*, together with the Proceeds hereafter to be received from the Sales of all or any of the said Reserves, or any Part thereof: Provided always, that the necessary Expences of such Sales shall be borne and defrayed out of the first Monies received therefrom.

Investment of Proceeds of Sales under 7 & 8 G. 4. c. 62.

III. And

Present Payments to Religious Bodies out of Crown Revenues to be the first Charge on the Fund.

Proviso.

Provision for the Churches of England and Scotland.

III. And be it enacted, That the Interest and Dividends accruing upon such Investments of the Proceeds of all Clergy Reserves sold or to be sold, and also the Interest to accrue upon Sales on Credit of Clergy Reserves, and all Rents arising from Clergy Reserves that have been or may be demised for any Term of Years, shall be paid to the Receiver General of the Province of *Canada*, or such other Person as shall be appointed to receive the Public Revenues of the said Province, and shall together form an annual Fund for the Purposes herein-after mentioned, and shall be paid by him from Time to Time in discharge of any Warrant or Warrants which shall from Time to Time be issued by the Governor, in pursuance of the Provisions of this Act; (that is to say,) in the first place, to satisfy all such annual Stipends and Allowances as have been heretofore assigned and given to the Clergy of the Churches of *England* and *Scotland*, or to any other Religious Bodies or Denominations of Christians in *Canada*, and to which the Faith of the Crown is pledged, during the natural Lives or Incumbencies of the Parties now receiving the same: Provided always, that until the annual Fund so to be created and deposited with the Receiver General shall suffice to meet the above-mentioned Stipends and Allowances, the same, or so much thereof as the said Fund may be insufficient to meet, shall be defrayed out of the Casual and Territorial Revenue of the Crown in the Province of *Canada*.

IV. And be it enacted, That as soon as the said Fund shall exceed the Amount of the several Stipends and Allowances aforesaid, and subject always to the prior Satisfaction and Payment of the same, the said annual Fund shall be appropriated as follows; (that is to say,) the net Interest and Dividends accruing upon the Investments of the Proceeds of all Sales of such Reserves sold or to be sold under the Authority of the before-recited Act of the Eighth Year of the Reign of King *George* the Fourth shall be divided into Three equal Parts, of which Two shall be appropriated to the Church of *England* and One to the Church of *Scotland* in *Canada*; and the net Interest and Dividends accruing upon the Investments of the Proceeds of all Sales of such Reserves sold under the Authority of this Act shall be divided into Six equal Parts, of which Two shall be appropriated to the Church of *England* and One to the Church of *Scotland* in *Canada*: Provided always, that the Amount of the before-mentioned Stipends and Allowances which shall be paid to and received by any Clergyman of either of the said Churches of *England* or *Scotland* shall be taken, as far as the same will go, as a Part of the Share accruing to each Church respectively by virtue of this Act; (that is to say,) the Stipends and Allowances to any Clergyman of the Church of *England* as Part of the Share accruing to the Church of *England*, and the Stipends and Allowances to any Clergyman of the Church of *Scotland* as Part of the Share accruing to the said Church of *Scotland*, so that neither

of

of the said Churches shall receive any further or other Sum beyond such respective Stipends and Allowances until the Proportion of the said annual Fund allotted to them respectively in manner aforesaid shall exceed the annual Amount of such Stipends and Allowances.

V. And be it enacted, That the Share allotted and appropriated to each of the said Churches shall be expended for the Support and Maintenance of Public Worship and the Propagation of Religious Knowledge, the Share of the said Church of *England* being so expended under the Authority of the "Society for the Propagation of the Gospel in Foreign Parts," and the Share of the said Church of *Scotland* under the Authority of a Board of Nine Commissioners, to be elected by the Synod or Synods of the Presbyterian Church of *Canada* in connexion with the Church of *Scotland*, under such Regulations as shall be from Time to Time established by the Governor of *Canada*, with the Advice of his Executive Council.

Application of
the Funds so
allotted.

VI. And be it enacted, That the Share of each of the said Churches shall be paid by the Receiver General or other Person appointed as aforesaid in discharge of any Warrant or Warrants which shall from Time to Time be issued by the Governor of the said Province in favour of the Treasurer or other Officer who shall be respectively appointed to receive the same by the said Society on behalf of the said Church of *England*, and by the said Commissioners on behalf of the said Church of *Scotland*.

How allotted
Funds are to
be paid.

VII. And be it enacted, That, subject to the foregoing Provisions, the Residue of the said annual Fund shall be applied by the Governor of *Canada*, with the Advice of the Executive Council, for Purposes of Public Worship and Religious Instruction in *Canada*.

Application of
the Residue of
Fund.

VIII. And be it enacted, That the Receiver General or other Person appointed as aforesaid to receive the Interest and Dividends accruing from the Investment of the Proceeds of all Clergy Reserves sold or to be sold shall, on or before the Fifteenth Day of *January* in every Year, deliver to the Governor a Certificate in Writing under his Hand of the net Amount which in that Year will be applicable to the several Churches of *England* and *Scotland* out of the said Fund under the Provisions of this Act; and whenever the Sum mentioned in any such Certificate to be applicable to the Church of *England* in *Upper Canada* shall be less than Seven thousand seven hundred Pounds, or the Sum mentioned in the Certificate to be applicable to the Church of *Scotland* in *Upper Canada* shall be less than One thousand five hundred and eighty Pounds, the Deficiency in each Case shall be made good out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be charged thereupon at the Quarter Day next ensuing the Receipt of such Certificate at the Treasury; and the Lord High Treasurer, or Three or more Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, shall be authorized by
their

Guarantee of the
Sums of 7,700*l.*
to the Church
of *England*,
and 1,580*l.* to
the Church of
Scotland.

their Warrant to direct the Issue of the Sums needed to supply such Deficiency in the following Manner; (that is to say,) such Sum as shall be needed to supply the Deficiency of the said Sum of Seven thousand seven hundred Pounds to such Person or Persons as shall be appointed to receive the same by the Society for the Propagation of the Gospel in Foreign Parts, and such Sum as shall be needed to supply the Deficiency of the said Sum of One thousand five hundred and eighty Pounds to such Person or Persons as shall be appointed to receive the same by any Writing under the Hands of any Three or more of the Commissioners under whose Authority the Share of the Church of *Scotland* is to be expended as aforesaid; and all Sums so paid out of the Consolidated Fund shall be severally applied, under the Authority of the said Society and of the last-mentioned Commissioners respectively, for the Support and Maintenance of Public Worship and the Propagation of Religious Knowledge in each of the said Churches in *Canada*.

Accounts of
Expenditure to
be rendered to
Governor in
Council.

IX. And be it enacted, That Accounts of the Expenditure of every Sum of Money so to be received out of the said annual Fund, or out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, by the said Churches of *England* and *Scotland*, or by any other Religious Body or Denomination of Christians respectively, under the Authority of this Act, shall be, on or before the Twentieth Day of *July* in each Year, rendered to the Governor of the said Province in Council; and that until such Accounts shall have been rendered, and the due and proper Expenditure of the Sum granted during any preceding Year shall have been established to the Satisfaction of the Governor of the said Province in Council, no other or further Sum or Proportion of the said annual Fund shall be paid or allowed to any or either of the Churches, Religious Bodies, or Denominations of Christians failing, neglecting, or refusing to render such Account, or to verify the same as aforesaid; and that Copies of such Accounts shall annually be laid before the Legislature of the said Province.

Summary Re-
medy for Mis-
application of
Monies.

X. And be it enacted, That whenever there shall appear to the Governor of the said Province in Council sufficient Reason to apprehend that there has been any Misappropriation or Non-appropriation of any Sum or Sums of Money paid to any of the said Churches, Religious Bodies, or Denominations of Christians, out of the said annual Fund, or any Neglect or Abuse in the Expenditure or Management of any such Sum or Sums, upon Direction for that Purpose given by the Governor, it shall be lawful for the Attorney General to apply summarily, either by Petition or Information, to or in the Court of Chancery in *Upper Canada*, or to any One of the Superior Courts of Record in *Lower Canada*, setting forth the Nature of the Abuse apprehended, and praying Discovery, and Relief in the Premises, as the Nature of the Case may require.

Repeal of Part
of 31 G. 3. c. 31.

XI. And be it enacted, That from and after the passing of this Act, so much of an Act passed in the Thirty-first Year of the

the Reign of King George the Third, intituled *An Act to repeal certain Parts of an Act passed in the Fourteenth Year of His Majesty's Reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the Province,'* as relates to any Reservations of Land hereafter to be made in *Upper Canada* or *Lower Canada* for the Support and Maintenance of a Protestant Clergy, shall be repealed.

XII. And be it enacted, That in this Act the Words "*Province of Canada*" shall be taken to mean the Province of *Canada* as constituted under an Act passed in this Session of Parliament, intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and the Word "*Governor*" shall be taken to mean and include the Governor, Lieutenant Governor, or Person administering the Government of the Province of *Canada*.

Meaning of
Terms
"Province of
Canada" and
"Governor."

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be
amended, &c.

CAP. LXXIX.

An Act to amend the Law relating to the Admission of Attornies and Solicitors to practise in the Courts of Law and Equity in *Ireland*. [7th August 1840.]

' WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions to Personal Estate upon Intestacies, now payable in Great Britain; and for granting other Duties in lieu thereof,* and by the Schedule thereto, a certain Duty was made payable upon the Admission of any Person to act as an Attorney or Solicitor in any Court in *England*, and by the said Act any Person duly admitted so to act in any of the Courts in the said Act mentioned was exempted, in manner therein mentioned, from Liability to such Duty upon his subsequent Admission in any other of the said Courts, or in any inferior Court: And whereas by an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act to repeal the several Stamp Duties in Ireland, and also several Acts for the Collection and Management of the said Duties; and to grant new Stamp Duties in lieu thereof, and to make more effectual Regulations for collecting and managing the said Duties,* and by the Schedule thereto, a certain Duty was made payable upon the Admission of any Person to act as an Attorney in any Court, but no such Exemption as aforesaid is contained in the said last-mentioned Act: And whereas it is reasonable that a similar Exemption to that which prevails respecting Attornies

55 G. 3. c. 184.

56 G. 3. c. 56.

Admission of an Attorney or Solicitor into one Court shall entitle him to Admission into any other Court without Payment of additional Stamp Duty.

Act may be altered, &c.

‘ Attornies and Solicitors in *England* should be made respecting ‘ Attornies and Solicitors in *Ireland*.’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *November* One thousand eight hundred and forty, where any Person duly admitted an Attorney in any of Her Majesty’s Superior Courts at *Dublin* shall be also admitted to act as an Attorney in any other of the said Courts, or as a Solicitor in any Court of Equity in *Ireland*, the latter Admission shall be free of Duty; and where any Person duly admitted a Solicitor in the Court of Chancery or Exchequer at *Dublin* shall be also admitted to act as a Solicitor in the other of the said Courts, or as an Attorney in any Court of Law in *Ireland*, the latter Admission shall be free of Duty; provided such Attorney or Solicitor shall have paid the proper Stamp Duty on his former Admission, according to the Laws then in force.

II. And be it enacted, That this Act may be altered or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXX.

An Act to continue until the First Day of *March* One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*.
[7th August 1840.]

- ‘ WHEREAS an Act was passed in the Ninth Year of the ‘ Reign of His late Majesty King *George* the Fourth, ‘ 9 G. 4. c. 79. ‘ intituled *An Act to provide for the Relief of Insolvent Debtors* ‘ in the East Indies until the First Day of *March* One thousand ‘ eight hundred and thirty-three: And whereas a certain other ‘ Act was passed in the Second Year of the Reign of His late ‘ 2 & 3 W. 4 c. 43. ‘ Majesty King *William* the Fourth, intituled *An Act to continue* ‘ until the First Day of *March* One thousand eight hundred and ‘ thirty-six an Act of the Ninth Year of His late Majesty, for the ‘ Relief of Insolvent Debtors in *India*, whereby the said first- ‘ mentioned Act was continued in force until the First Day of ‘ *March* One thousand eight hundred and thirty-six: And ‘ whereas a certain other Act was passed in the Fifth Year of ‘ the Reign of His said late Majesty King *William* the Fourth, ‘ 4 & 5 W. 4. c. 79. ‘ intituled *An Act to amend the Law relating to Insolvent Debtors* ‘ 6 & 7 W. 4. c. 47. ‘ in *India*: And whereas by an Act passed in the Session ‘ held in the Sixth and Seventh Years of the Reign of His ‘ said late Majesty King *William* the Fourth, the first-mentioned ‘ Act, as amended by the said last-mentioned Act, was con- ‘ tinued in force until the First Day of *March* One thousand ‘ eight hundred and thirty-nine, and from thence to the End ‘ of

‘ of the then next Session of Parliament; And whereas it is
 ‘ expedient that the said first-mentioned Act, as amended by
 ‘ the said Act of the Fifth Year of the Reign of His late
 ‘ Majesty King *William* the Fourth, should be further con-
 ‘ tinued:’ Be it therefore enacted by the Queen’s most Ex-
 cellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That
 the said Acts of the Ninth Year of the Reign of King *George*
 the Fourth and the Fifth Year of the Reign of King *William*
 the Fourth shall be and the same are hereby continued until the
 First Day of *March* One thousand eight hundred and forty-five,
 and from thence until the End of the then next Session of
 Parliament.

Acts continued
 for a further
 Period.

CAP. LXXXI.

An Act to define the Notices of Elections of Members
 to serve in Parliament for Cities, Towns, and Boroughs
 in *England*.
 [7th August 1840.]

‘ **WHEREAS** it is expedient to establish the same Form of
 ‘ Notice for Elections of Members to serve in Parliament
 ‘ in all Cities, Towns, and Boroughs in *England*:’ Be it
 enacted by the Queen’s most Excellent Majesty, by and with
 the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That in every City or Town in
England being a County of itself, and in every Borough, Town
 Corporate, Port, or Place in *England* returning or contributing
 to return a Member or Members to serve in Parliament, the
 Sheriff or other Officer to whom the Duty of giving such
 Notice belongs shall proceed to Election within Eight Days
 after the Receipt of the Writ or Precept, giving Three clear
 Days Notice at least of the Day appointed for the Election,
 exclusive of both the Day of Proclamation and the Day appointed
 for the Election.

In Cities,
 Towns, &c. the
 Sheriff or other
 Officer shall
 proceed to
 Election with-
 in Eight Days
 after receiving
 the Writ, giving
 Three clear
 Days Notice.

II. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in this Session of Parliament.

Act may be
 amended, &c.

CAP. LXXXII.

An Act for further amending the Act for abolishing
 Arrest on Mesne Process in Civil Actions.

[7th August 1840.]

‘ **WHEREAS** by an Act passed in the Second Year of the
 ‘ Reign of Her Majesty, intituled *An Act for abolishing*
 ‘ *Arrest on Mesne Process in Civil Actions, except in certain Cases*;
 [No. 28. Price 2d.] E e ‘ for

1 & 2 Viet.
 c. 110.

‘ for extending the Remedies of Creditors against the Property of Debtors ; and for amending the Laws for the Relief of Insolvent Debtors in England, it was amongst other things enacted, that if any Person against whom any Judgment should have been entered up in any of Her Majesty’s Superior Courts at Westminster should have any Government Stock, Funds, or Annuities, or any Stock or Shares of or in any public Company in England (whether incorporated or not), standing in his Name in his own Right, or in the Name of any Person in Trust for him, it should be lawful for a Judge of one of the Superior Courts, on the Application of any Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them, or such Part thereof respectively, as he should think fit, should stand charged with the Payment of the Amount for which Judgment should have been so recovered, and Interest thereon, and such Order should entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such Charge had been made in his Favour by the Judgment Debtor ; provided that no Proceedings should be taken to have the Benefit of such Charge until after the Expiration of Six Calendar Months from the Date of such Order : And whereas Doubts have been entertained whether the said Provisions extend to the Cases herein-after mentioned :’ Now therefore be it declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the aforesaid Provisions of the said Act shall be deemed and taken to extend to the Interest of any Judgment Debtor, whether in Possession, Remainder, or Reversion, and whether vested or contingent, as well in any such Stocks, Funds, Annuities, or Shares as aforesaid as also in the Dividends, Interest, or annual Produce of any such Stock, Funds, Annuities, or Shares ; and whenever any such Judgment Debtor shall have any Estate, Right, Title, or Interest, vested or contingent, in Possession, Remainder, or Reversion, in, to, or out of any such Stocks, Funds, Annuities, or Shares as aforesaid which now are or shall hereafter be standing in the Name of the Accountant General of the Court of Chancery, or the Accountant General of the Court of Exchequer, or in, to, or out of the Dividends, Interest, or annual Produce thereof, it shall be lawful for such Judge to make any Order as to such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in the same Way as if the same had been standing in the Name of a Trustee of such Judgment Debtor : Provided always, that no Order of any Judge as to any Stock, Funds, Annuities, or Shares standing in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, or as to the Interest, Dividends, or annual Produce thereof, shall prevent the Governor and Company of the Bank of England, or any public Company, from permitting any Transfer of such Stocks, Funds, Annuities,

Provisions of
recited Act as
to Property of
Judgment
Debtors defined
and extended.

Annuities, or Shares, or Payment of the Interest, Dividends, or annual Produce thereof, in such Manner as the Court of Chancery or the Court of Exchequer respectively may direct, or shall have any greater Effect than if such Debtor had charged such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in favour of the Judgment Creditor, with the Amount of the Sum to be mentioned in any such Order.

II. ' And whereas it was by the said Act further enacted, that no Judgment of any of the Superior Courts of Common Law at *Westminster*, nor any Decree or Order in any Court of Equity, nor any Rule of a Court of Common Law, nor any Order in Bankruptcy or Lunacy, should by virtue of the said Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute as therein mentioned should be left with the Senior Master of the Court of Common Pleas at *Westminster* : And whereas Doubts have been entertained whether a Purchaser, Mortgagee, or Creditor, having Notice of any such Judgment, Decree, Order, or Rule as aforesaid, would not in Equity be affected thereby, notwithstanding such a Memorandum or Minute of the same as in the said Act is mentioned may not have been left with the Senior Master of the said Court of Common Pleas ;' be it therefore further declared and enacted, That no such Judgment, Decree, Order, or Rule as aforesaid shall by virtue of the said Act affect any Lands, Tenements, or Hereditaments, at Law or in Equity, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute as in the said Act in that Behalf mentioned shall have been left with the Senior Master of the said Court of Common Pleas at *Westminster* ; any Notice of any such Judgment, Decree, Order, or Rule to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

No Judgment, Decree, &c. to affect Real Estate, until Memorandum left with the Senior Master of the Common Pleas.

CAP. LXXXIII.

An Act to continue, until the First Day of January One thousand eight hundred and forty-three, an Act of the last Session of Parliament, for amending and extending the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. [7th August 1840.] 4456 54

' WHEREAS an Act was passed in the Second and Third Years of Her present Majesty, intituled *An Act to amend, and extend until the First Day of January One thousand eight hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty, for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating* 2 & 3 Vict. c. 37.

‘ to Usury: And whereas the Duration of the said recited Act was limited to the First Day of *January* One thousand eight hundred and forty-two, and it is expedient that the same should be continued for a longer Period:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be continued until the First of *January* One thousand eight hundred and forty-three.

Recited Act
continued until
1st Jan. 1843.

CAP. LXXXIV.

An Act for better defining the Powers of Justices within the Metropolitan Police District.

[7th August 1840.]

2 & 3 Vict. c. 47. ‘ WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act for further improving the Police in and near the Metropolis*, it is among other things enacted, that in the Construction of that Act the Word “Magistrate” shall be taken to include every Justice of the Peace acting in and for any Part of the Metropolitan Police District for which no Police Court shall be established, and that if any Offence against that Act shall have been committed or the Offender apprehended in any Part of the Metropolitan Police District for which no Police Court shall be established as aforesaid, the Matter of such Complaint may be also heard and determined by any Two or more Justices acting in and for the County in which the Offence was committed or the Offender apprehended; and it is expedient that the Meaning of these Enactments be more clearly expressed, and that further Provision be made for defining the Divisions for which Police Courts are established within the Metropolitan Police District:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as is herein-before recited shall be repealed.

Repeal of
2 & 3 Vict. c. 47.
ss. 75, 76.

Queen in
Council may
constitute Po-
lice Court Di-
visions, and
define and alter
their Extent
and Number.

II. And be it enacted, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to constitute within the Metropolitan Police District so many Police Court Divisions as to Her Majesty shall seem fit, and to define the Extent thereof, and from Time to Time to alter the Number and Extent of such Police Court Divisions, and to assign a Division to each of the Police Courts already established, and to establish a Police Court for each of the other Divisions: Provided always, that nothing in this Act contained shall be construed to restrain the Police Magistrates appointed to the said Courts from acting in all Places within the Limits of their Commissions as fully in all respects as if this Act had

had not been made; and be it further provided, that there shall not be more than Twenty-seven Magistrates appointed to execute the Duties of Justices of the Peace at the said Courts.

Limiting
Number of
Magistrates.

So much of
2 & 3 Vict. c. 71.
as requires the
daily Attendance
of a
Police Magistrate
at the
Courts to apply
only to those
Courts already
established.

III. ' And whereas by an Act passed in the last Session of Parliament, intituled *An Act for regulating the Police Courts in the Metropolis*, it is provided, that One of the Magistrates appointed to the said Courts shall attend on every Day (except as therein excepted) at each of the Police Courts established or to be established within the Metropolitan Police District: And whereas the Business of a Police Court in the outer Parts of the Metropolitan Police District will not require the daily Attendance of One of the said Magistrates; be it enacted, That so much of the last-recited Act as requires the daily Attendance of One of the said Magistrates at each of the said Courts shall be taken to apply only to the Police Courts now established in *Bow Street*, and in the Parishes of *Saint Margaret Westminster*, *Saint James Westminster*, *Saint Mary-le-bone*, *Saint Andrew Holborn*, *Saint Leonard Shoreditch*, *Saint Mary Whitechapel*, and *Saint John of Wapping*, in the County of *Middlesex*, and *Saint Saviour* in the County of *Surrey*, and shall continue to apply to the said Courts, wheresoever they may from Time to Time be holden or removed to within the Metropolitan Police District.

IV. And be it enacted, That it shall be lawful for Her Majesty, if She shall think fit, with the Advice of Her Privy Council, to order that a Police Magistrate or Magistrates shall attend regularly at any Police Court or Courts hereafter to be established, either daily or on such Days and Times as Her Majesty, by the Advice aforesaid, shall order; and it shall be lawful for Her Majesty, from Time to Time, with the Advice aforesaid, to alter or rescind any such Order.

Police Magistrates may be ordered to attend at other Courts.

V. And be it enacted, That every Order in Council, either for constituting or altering a Police Court Division, or for assigning a Division to the Police Courts already established, or for establishing or removing a Police Court, or for ordering the regular Attendance of a Police Magistrate or Magistrates at any Police Court or Courts, or for altering or rescinding any such Order, shall be published in the *London Gazette*, and shall take effect from the Time appointed for that Purpose by the said Order.

Orders in Council to be published in the Gazette.

VI. And be it enacted, That any Two Justices of the Peace having Jurisdiction within the Metropolitan Police District shall have, while sitting together publicly in the Court or Room used for holding Special or Petty Sessions of the Peace in any Part of the said District within the Limits of their Commission, except in the Divisions to be assigned to the Police Courts already established, and any Two Justices of the Peace for the City of *London* and the Liberties thereof, having Jurisdiction within the City of *London* and the Liberties thereof, shall within the said City of *London* and the Liberties thereof have all the Powers, Privileges, and Duties which any One Magistrate of the said Police Courts has while sitting in one of the said Courts by

Any Two Justices may act with the Authority of a Police Magistrate.

Proviso.

the Two recited Acts of the last Session of Parliament or either of them: Provided always, that whenever a new Police Court shall have been established within the Metropolitan Police District, and a Division assigned to such Court as aforesaid, such Justices shall not act in that Division, in the Execution of the Two said Acts or either of them, elsewhere than at such Court; and that at every Police Court at which the regular Attendance of a Police Magistrate shall have been ordered by Her Majesty as herein-before provided the Police Magistrate while present in such Court shall act as the sole Magistrate thereof.

Application of recited Act as to the Employment of Clerks.

VII. And be it enacted, That so much of the last-recited Act as provides that no Clerk in any of the Police Courts shall hold or have any other Office or Employment whatsoever, except as therein excepted, shall be taken to apply only to the Police Courts now established.

Form of Recognizance, Information, and Conviction.

VIII. And be it declared and enacted, That every Recognizance taken at any Station House of the Metropolitan Police Force situated in a Division in which a Police Magistrate is not in daily Attendance shall be conditioned for the Appearance of the Person thereby bound before the Magistrate or Justices acting in the Division, at his or their next Sitting; and every such Recognizance shall be returned to the Magistrate or Justices present at the Time and Place where the Party is bound to appear; and when the Information is laid or the Conviction had before Two Justices the Forms given in the Schedule annexed to this Act may be used instead of the Forms of Information and Conviction provided by the last recited Act.

Extension of Power to enlarge Prisoners on Recognizance.

IX. And be it enacted, That whenever any Person shall be charged before any Police Magistrate or before any Two Justices, at any Police Court within the Metropolitan Police District, with any Felony or Misdemeanor for which he is liable to be committed to take his Trial at the Assizes to be holden for any of the Counties of *Essex, Hertford, Kent, or Surrey*, it shall be lawful for such Police Magistrate or for such Justices, if he or they respectively shall think fit, to suffer such Person to go at large upon a Recognizance conditioned for surrendering himself to take his Trial at such Assizes, in like Manner as such Recognizance may be taken for his Surrender to take his Trial at the Central Criminal Court, in Cases where he is liable to be committed for Trial at the Central Criminal Court; and every such Recognizance shall be within all the Provisions of the last-recited Act relating to Recognizances for surrendering to be tried at the Central Criminal Court.

Militia Ballotting Lists to be made out by Police Constables.

X. And be it enacted, That after the passing of this Act all Proceedings within the Metropolitan Police District relating to the serving of Notices, and the procuring and making out of the Returns of the Persons liable to serve in the Militia, and the preparing and making out of the Lists of the Persons liable to be ballotted for the Militia, and all other Things, by an Act passed in the Forty-second Year of the Reign of King

George

George the Third, intituled An Act for amending the Laws relating to the Militia in England, and for augmenting the Militia, 42 G. 3. c. 90.
or by any other Act relating to the Militia, directed to be done by the High and other Constables for the Time being, shall be done within the said District by the Constables of the Metropolitan Police Force, or by such of them as shall be from Time to Time specially appointed for that Purpose by the Commissioners of Police.

XI. And be it enacted, That any Person who shall obtain any Sum of Money or other Reward from any Person within the Metropolitan Police District by threatening directly or indirectly to lodge any Information or make any Complaint before any Magistrate, Justice or Justices, for any Misdemeanor, or as an Inducement for forbearing to lay such Information or make such Complaint, shall, on Conviction of the Offence before One of the Police Magistrates, or before any Two Justices of the Peace, either by his own Confession or by the Oath of any credible Witness, be liable to a Penalty not more than Ten Pounds. Penalty for obtaining Money by threatening Information.

XII. And be it enacted, That all Persons who may think themselves aggrieved by any Presentment or Proceeding of any Leet Jury or Court Leet for any Hundred or Manor within the Metropolitan Police District, or of any Person or Persons appointed at any such Court Leet, with respect to examining or regulating, seizing, breaking, or destroying, any Weights, Balances, or Measures, may, within Fourteen Days next after such Presentment or Proceeding, appeal to any One of the Magistrates of the Metropolitan Police Courts, first giving Seven Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Steward of the Court, or to such other Party against whom the Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before One of the said Magistrates, conditioned to try the Appeal, and abide the Order and Award of the Court thereon; and the Magistrate attending at the Court to which the Appeal shall be brought shall appoint a Time for the Hearing of such Appeal; and the Magistrate by whom the Appeal shall be heard may, if he see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Presentment or Proceeding, and also any further Satisfaction to be made to the Party injured as he shall judge reasonable, and also Costs to be paid to the Party aggrieved, the said Satisfaction and Costs to be paid by the Steward of the said Court out of the first Monies coming to his Hands, being the Produce of any Fines imposed by the Leet Jury; and it shall not be lawful to distrain or proceed in any Manner for the Recovery of any Fine or Amerciament imposed by any such Court Leet, or assessed by any such Jury, against which Notice of such Appeal shall have been given, until after the Judgment or Order of the Magistrate upon the Appeal, and then only for so much as shall be allowed upon such Appeal. Appeal to the Police Magistrates from Proceedings at the Leet concerning Weights and Measures.

Giving Possession of deserted Premises.

11 G. 2. c. 19.

57 G. 3. c. 52.

XIII. And be it enacted, That after the passing of this Act none of the Police Magistrates within the Metropolitan Police District shall be required to go upon any deserted Lands, Tenements, or Hereditaments, for the Purpose of viewing the same or affixing any Notices thereon, or of putting the Landlord or Landlords, Lessor or Lessors into the Possession thereof, under the Provisions of an Act passed in the Eleventh Year of the Reign of King George the Second, intituled *An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants*, or of an Act passed in the Fifty-seventh Year of the Reign of King George the Third, for altering the last-recited Act, but that in every Case within the Metropolitan Police District, in which by the said Acts or either of them Two Justices are authorized to put the Landlord or Lessor into the Possession of such deserted Premises, it shall be lawful for One of the Police Magistrates, upon the Request of the Lessor or Landlord, or his or her Bailiff or Receiver, made in open Court, and upon Proof given to the Satisfaction of such Magistrate of the Arrear of Rent and Desertion of the Premises by the Tenant as aforesaid, to issue his Warrant, directed to One of the Constables of the Metropolitan Police Force, requiring him to go upon and view the Premises, and to affix thereon the like Notices as under the said Acts or either of them are required to be affixed by Two Justices of the Peace; and upon the Return of the Warrant, and upon Proof being given to the Satisfaction of the Magistrate before whom the Warrant shall be returned that it has been duly executed, and that neither the Tenant nor any Person on his or her Behalf has appeared and paid the Rent in arrear, and that there is not sufficient Distress upon the Premises, it shall be lawful for such Magistrate to issue his Warrant to a Constable of the Metropolitan Police Force, requiring him to put the Landlord or Lessor into the Possession of the Premises; and every Constable to whom any such Warrant shall be directed shall duly execute and return the same, subject to the Provisions contained in an Act passed in the last Session of Parliament, intituled *An Act for further improving the Police in and near the Metropolis*, as to the Execution of Warrants directed to Constables of the Metropolitan Police Force; and upon the Execution of such Second Warrant the Lease of the Premises to such Tenant, as to any Demise therein contained only, shall thenceforth be void.

2 & 3 Vict. c. 47.

Horse and Foot Patrol and Thames Police declared within the Provision for Superannuation Allowances.

2 & 3 Vict. c. 47.

XIV. And be it declared and enacted, That the Men belonging to the Horse and Foot Patrol formerly acting under the Authority of the Chief Magistrate of the Public Office in *Bow Street*, or to the *Thames Police*, but now belonging to the Metropolitan Police Force, shall be entitled, when completely disabled by bodily Injury or worn out by Length of Service, to receive such Superannuation Allowances as shall be directed by One of Her Majesty's Principal Secretaries of State, which Allowances shall be paid out of the Sums which, by an Act passed in the last Session of Parliament, intituled *An Act for further improving the Police in and near the Metropolis*, are authorized to be issued out

out of the Consolidated Fund for the Payment of Superannuation Allowances to the Surveyors and Constables therein specified.

XV. And be it enacted, That any Two Justices of the Peace for the City of *London* and the Liberties thereof, having Jurisdiction within the City of *London* and the Liberties thereof, shall, within the said City of *London* and the Liberties thereof, have all the Powers, Privileges, and Duties which any Two Justices of the Peace having Jurisdiction within the Metropolitan Police District have within the Metropolitan Police District by virtue of this Act.

London Justices to have same Powers as Metropolitan Justices.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

SCHEDULE.

Form of Information.

Metropolitan Police District } BE it remembered, That *A. B.* of
to wit. } in the of cometh on
the Day of in the Year
of our Lord before us, *J. P.* and *K. L.*, Two
of Her Majesty's Justices of the Peace for the
of sitting at the Police Court [*or at the Petty Sessions Court, as the Case may be,*] at within
the Metropolitan Police District, and giveth us to understand
and be informed that *C. D.* hath been guilty of [*here describe the Offence*].

Form of Conviction.

Metropolitan Police District } BE it remembered, That on the
to wit. } Day of in the Year of our Lord
, *C. D.* is brought before us,
J. P. and *K. L.*, Two of Her Majesty's Justices of the Peace for
the of sitting at the Police
Court [*or at the Petty Sessions Court, as the Case may be,*] at
within the Metropolitan Police District, and
is charged before us with having [*here describe the Offence*]; and
it appearing to us, on the Confession of the said *C. D.* [*or upon the Oath of a credible Witness, as the Case may be,*] that the said
C. D. is guilty of the said Offence, we do hereby adjudge the
said *C. D.* [*here insert the Adjudication*]. Given under our Hands
on the Day and Year first mentioned.

CAP. LXXXV.

An Act for the Regulation of Chimney Sweepers and Chimneys. [7th August 1840.]

*repealed by in part
7th Dec 84 Stat. A*

‘ WHEREAS an Act was passed in the Fifth Year of the
‘ Reign of His late Majesty, intituled *An Act for the better*
‘ *Regulation of Chimney Sweepers and their Apprentices, and for*
‘ *the*

4 & 5 W. 4. c. 35.

Continuance of
4 & 5 W. 4. c. 35.

Penalty for
compelling or
allowing Chil-
dren to climb
Chimneys.

No Child under
Sixteen Years
to be appren-
ticed to a
Chimney
Sweeper.

Apprentices
may apply to be
discharged.

Indentures of
Children under
16 Years to
cease after
1st July 1842.

Regulating
Construction of
Chimneys.

' *the safer Construction of Chimneys and Flues*, to continue in force until the First Day of *January* in the Year One thousand eight hundred and forty, and from thence until the End of the then next Session of Parliament;' be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall continue and remain in full Force until the First Day of *July* in the Year One thousand eight hundred and forty-two.

II. And be it enacted, That from and after the First Day of *July* in the Year One thousand eight hundred and forty-two, any Person who shall compel or knowingly allow any Child or young Person under the Age of Twenty-one Years to ascend or descend a Chimney, or enter a Flue, for the Purpose of sweeping, cleaning, or coring the same, or for extinguishing Fire therein, shall be liable to a Penalty not more than Ten Pounds or less than Five Pounds.

III. And be it enacted, That from and after the passing of this Act it shall not be lawful to apprentice to any Person using the Trade or Business of a Chimney Sweeper any Child under the Age of Sixteen Years, and that every Indenture of such Apprenticeship which may be entered into after such Date shall be null and void.

IV. And be it enacted, That upon the Application of any Child apprenticed to any Person using the Trade or Business of a Chimney Sweeper, at any Time after the First Day of *July* One thousand eight hundred and forty-one and previously to the First Day of *July* One thousand eight hundred and forty-two, to any Justice of the Peace having Jurisdiction where the Master or Mistress of such Child shall reside, it shall be lawful for such Justice to summon such Master or Mistress to appear, at a reasonable Time to be named in the Summons, not being sooner than Seven Days from the Time of granting the Summons, before any Two Justices having Jurisdiction as aforesaid; and upon Proof made upon Oath, to the Satisfaction of the Justices by whom the Case shall be heard, that such Apprentice is desirous of being discharged from his or her Apprenticeship, it shall be lawful for such Justices forthwith to discharge such Apprentice by Warrant under their Hands and Seals, for which Warrant no Fees shall be paid; and no Writ of Certiorari or other Process shall issue to remove any Proceedings under this Enactment into any of Her Majesty's Superior Courts of Record in *England* or *Ireland*, or into the Court of Session in *Scotland*.

V. And be it enacted, That from and after the First Day of *July* One thousand eight hundred and forty-two all existing Indentures of Apprenticeship to the Trade or Business of a Chimney Sweeper of any Child who shall then be under the Age of Sixteen Years shall be null and void.

VI. 'And whereas it is expedient, for the better Security from Accidents by Fire or otherwise, the improved Con-
'struction

'struction of Chimneys and Flues provided by the said Act be continued;' be it enacted, That all Withs and Partitions between any Chimney or Flue which at any Time after the passing of this Act shall be built or rebuilt shall be of Brick or Stone, and at least equal to Half a Brick in Thickness; and every Breast-back and With or Partition of any Chimney or Flue hereafter to be built or rebuilt shall be built of sound Materials, and the Joints of the Work well filled in with good Mortar or Cement, and rendered or stuccoed within; and also that every Chimney or Flue hereafter to be built or rebuilt in any Wall, or of greater Length than Four Feet out of the Wall, not being a circular Chimney or Flue Twelve Inches in Diameter, shall be in every Section of the same not less than Fourteen Inches by Nine Inches; and no Chimney or Flue shall be constructed with any Angle therein which shall be less obtuse than an Angle of One hundred and twenty Degrees, except as is herein-after excepted; and every salient or projecting Angle in any Chimney or Flue shall be rounded off Four Inches at the least, upon pain of Forfeiture, by every Master Builder or other Master Workman who shall make or cause to be made such Chimney or Flue, of any Sum of not less than Ten Pounds nor exceeding Fifty Pounds: Provided nevertheless, that notwithstanding this Act Chimneys or Flues may be built at Angles with each other of Ninety Degrees and more, such Chimneys or Flues having therein proper Doors or Openings not less than Six Inches square.

VII. And be it enacted, That all Convictions for Penalties for any Offence against this Act may be had before Two or more Justices of the Peace acting for the County, Riding, City, Borough, Division, or Place where the Offence shall happen, or before the Sheriff or Stewart of any County or Stewartry in *Scotland*; and such Penalties, and the Costs and Charges attending the Recovery thereof, shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands and Seals of Two or more of the said Justices, or under the Hand of any such Sheriff or Stewart, rendering the Overplus of such Distress and Sale (if any) to the Party or Parties, after deducting the Charge of making the same, which Warrant such Justices or Sheriffs or Stewarts are hereby empowered and required to grant, upon Conviction of the Offender by Confession, or Oath of One or more credible Witness or Witnesses; and the Penalties, Costs, and Charges, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Overseers or Managers of the Poor of the Parish, Township, or Place where the Offender shall dwell and inhabit, to be by such Overseers or Managers applied in aid of the Rate or Assessment raised for the Relief of the Poor of such Parish, Township, or Place, and in *Scotland*, in Parishes where there shall be no Assessment for the Relief of the Poor, as the said Managers shall direct, or to Her Majesty in case there shall be no such Overseer or Manager.

Before whom
Convictions
may be had.

Penalties how
to be levied and
applied.

VIII. And

In default of
Payment of
Penalty the
Parties con-
victed to be
sent to Prison.

VIII. And be it enacted, That the Justices of the Peace or Sheriffs or Stewarts by whom any Person shall be convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same, together with Costs, either immediately or within such Period as the said Justices shall think fit; and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction (with or without hard Labour), as to the said Justices or Sheriffs or Stewarts shall seem meet, for any Time not exceeding Two Calendar Months; the Commitment to be determinable upon Payment of the Amount of the Penalty and Costs.

Inhabitants not
incompetent
Witnesses by
reason of paying
Rates.

IX. And be it enacted, That no Inhabitant of any Parish, Township, or Place shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act, for any Offence committed within such Parish, Township, or Place, by reason of such Person being rated or assessed to, or liable to be rated or assessed to, or being otherwise interested in, the Rates or Assessments of any such Parish, Township, or Place.

Distress not to
be unlawful for
Want of Form.

X. And be it enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers from the beginning on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case, to be brought in some of the Courts of Record at *Westminster* or *Dublin*, or by Action raised or Complaint preferred in the Court of Session in *Scotland*: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or wrongful Proceeding if Tender of sufficient Amends for any such special Damage shall be made by or on behalf of the Party or Parties who shall have committed or caused to have been committed any such Irregularity or wrongful Proceeding before such Action or Complaint brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Tender of
Amends.

Appeal.

XI. And be it enacted, That any Person who shall think himself or herself aggrieved by any Conviction by any Justice or Justices of the Peace under this Act may appeal to the
next

next Court of General or Quarter Sessions of the Peace which shall be holden not less than Twelve Days after the Day of such Conviction, for the County, Stewartry, Riding, City, Borough, Division, or Place wherein the Cause of Complaint shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Session, and shall also either remain in Custody until the Session or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Session of the Peace, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Session shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or Affirmance of the Conviction shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment; and all Judgments, Determinations, and Proceedings of such Justices not appealed from as aforesaid, and of such Sheriff or Stewart or Quarter Sessions, shall be final, and not subject to Review by any Process of Law or Court whatever, any Law or Usage to the contrary notwithstanding.

XII. And be it enacted, That no Conviction or Adjudication made on Appeal therefrom shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Conviction not to be quashed for Want of Form.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. LXXXVI.

An Act for better enforcing Church Discipline.

[7th August 1840.]

‘ WHEREAS the Manner of proceeding in Causes for the Correction of Clerks requires Amendment.’ Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

Repeal of
1 H. 7. c. 4.

the Authority of the same, That an Act passed in the First Year of the Reign of King Henry the Seventh, intituled *An Act for Bishops to punish Priests and other Religious Men for dishonest Lives*, shall be repealed.

Definition of
the Terms
"Preferment,"
"Bishop,"
"Archbishop,"
and "Diocese."

II. And be it enacted, That unless it shall otherwise appear from the Context, the Term "Preferment," when used in this Act, shall be construed to comprehend every Deanery, Archdeaconry, Prebend, Canonry, Office of Minor Canon, Priest Vicar, or Vicar Choral in Holy Orders, and every Precentorship, Treasurership, Sub-Deanery, Chancellorship of the Church, and other Dignity and Office in any Cathedral or Collegiate Church, and every Mastership, Wardenship, and Fellowship in any Collegiate Church, and all Benefices with Cure of Souls, comprehending therein all Parishes, Perpetual Curacies, Donatives, endowed Public Chapels, Parochial Chapelryes, and Chapelries or Districts belonging to or reputed to belong, or annexed or reputed to be annexed, to any Church or Chapel, and every Curacy, Lectureship, Readership, Chaplaincy, Office, or Place which requires the Discharge of any Spiritual Duty, and whether the same be or be not within any exempt or peculiar Jurisdiction; and the Word "Bishop," when used in this Act, shall be construed to comprehend "Archbishop;" and the Word "Diocese," when used in this Act, shall be construed to comprehend all Places to which the Jurisdiction of any Bishop extends under and for the Purposes of an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*.

1 & 2 Vict.
c. 106.

Bishop may
issue a Com-
mission of
Inquiry.

III. And be it enacted, That in every Case of any Clerk in Holy Orders of the United Church of *England and Ireland* who may be charged with any Offence against the Laws Ecclesiastical, or concerning whom there may exist Scandal or evil Report as having offended against the said Laws, it shall be lawful for the Bishop of the Diocese within which the Offence is alleged or reported to have been committed, on the Application of any Party complaining thereof, or if he shall think fit of his own mere Motion, to issue a Commission under his Hand and Seal to Five Persons, of whom One shall be his Vicar General, or an Archdeacon or Rural Dean within the Diocese, for the Purpose of making Inquiry as to the Grounds of such Charge or Report: Provided always, that Notice of the Intention to issue such Commission under the Hand of the Bishop, containing an Intimation of the Nature of the Offence, together with the Names, Addition, and Residence of the Party on whose Application or Motion such Commission shall be about to issue, shall be sent by the Bishop to the Party accused Fourteen Days at least before such Commission shall issue.

Notice to be
previously
given.

Proceedings of
the Commis-
sioners.

IV. And be it enacted, That it shall be lawful for the said Commissioners or any Three of them to examine upon Oath, or upon solemn Affirmation in Cases where an Affirmation
or

or Declaration is allowed by Law instead of an Oath, which Oath or Affirmation or Declaration respectively shall be administered by them to all Witnesses who shall be tendered to them for Examination as well by any Party alleging the Truth of the Charge or Report as by the Party accused, and to all Witnesses whom they may deem it necessary to summon for the Purpose of fully prosecuting the Inquiry, and ascertaining whether there be sufficient *prima facie* Ground for instituting further Proceedings; and Notice of the Time when and Place where every such Meeting of the Commissioners shall be holden shall be given in Writing under the Hand of One of the said Commissioners to the Party accused Seven Days at least before the Meeting; and it shall be lawful for the Party accused, or his Agent, to attend the Proceedings of the Commission, and to examine any of the Witnesses; and all such preliminary Proceedings shall be public, unless, on the special Application of the Party accused, the Commissioners shall direct that the same or any Part thereof shall be private; and when such preliminary Proceedings, whether public or private, shall have been closed, One of the said Commissioners shall, after due Consideration of the Depositions taken before them, openly and publicly declare the Opinion of the Majority of the Commissioners present at such Inquiry, whether there be or be not sufficient *prima facie* Ground for instituting further Proceedings.

V. And be it enacted, That the said Commissioners or any Three of them shall transmit to the Bishop under their Hands and Seals the Depositions of Witnesses taken before them, and also a Report of the Opinion of the Majority of the Commissioners present at such Inquiry whether or not there be sufficient *prima facie* Ground for instituting Proceedings against the Party accused; and such Report shall be filed in the Registry of the Diocese; and that if the Party accused shall hold any Preferment in any other Diocese or Dioceses, the Bishop to whom the Report shall be made shall transmit a Copy thereof, and of the Depositions, to the Bishop or Bishops of such other Diocese or Dioceses, and shall also, upon the Application of the Party accused, cause to be delivered to such Party a Copy of the said Report and of the Depositions, on Payment of a reasonable Sum for the same, not exceeding Two-pence for each Folio of Ninety Words.

Report of the
Commissioners.

VI. And be it enacted, That in all Cases where Proceedings shall have been commenced under this Act against any such Clerk it shall be lawful for the Bishop of any Diocese within which such Clerk may hold any Preferment, with the Consent of such Clerk and of the Party complaining, if any, first obtained in Writing, to pronounce, without any further Proceedings, such Sentence as the said Bishop shall think fit, not exceeding the Sentence which might be pronounced in due Course of Law; and all such Sentences shall be good and effectual in Law as if pronounced after a Hearing accord-

Bishop may
pronounce Sen-
tence, by Con-
sent, without
further Pro-
ceedings.

ing

ing to the Provisions of this Act, and may be enforced by the like Means.

Articles and
Depositions to
be filed.

VII. And be it enacted, That if the Commissioners shall report that there is sufficient *prima facie* Ground for instituting Proceedings, and if the Bishop of any Diocese within which the Party accused may hold any Preferment, or the Party complaining, shall thereupon think fit to proceed against the Party accused, Articles shall be drawn up, and, when approved and signed by an Advocate practising in *Doctors Commons*, shall, together with a Copy of the Depositions taken by the Commissioners, be filed in the Registry of the Diocese of such last-mentioned Bishop; and any such Party, or any Person on his Behalf, shall be entitled to inspect without Fee such Copies, and to require, and have, on Demand, from the Registrar (who is hereby required to deliver the same), Copies of such Depositions, on Payment of a reasonable Sum for the same, not exceeding Two-pence for each Folio of Ninety Words.

Service of Copy
of the Articles
on the Party.

VIII. And be it enacted, That a Copy of the Articles so filed shall be forthwith served upon the Party accused by personally delivering the same to him, or by leaving the same at the Residence House belonging to any Preferment holden by him, or if there be no such House, then at his usual or last known Place of Residence; and it shall not be lawful to proceed upon any such Articles until after the Expiration of Fourteen Days after the Day on which such Copy shall have been so served.

Bishop may
require the
Party to ap-
pear before
him;

IX. And be it enacted, That it shall be lawful for the said last-mentioned Bishop, by Writing under his Hand, to require the Party to appear, either in Person or by his Agent duly appointed, as to the said Party may seem fit, before him at any Place within the Diocese, and at any Time after the Expiration of the said Fourteen Days, and to make Answer to the said Articles within such Time as to the Bishop shall seem reasonable; and if the Party shall appear, and by his Answer admit the Truth of the Articles, the Bishop, or his Commissary specially appointed for that Purpose, shall forthwith proceed to pronounce Sentence thereupon according to the Ecclesiastical Law.

and may pro-
nounce Judg-
ment on Ad-
mission.

How Notice
and Requisition
to be served.

X. And be it further enacted, That every Notice and Requisition to be given or made in pursuance of this Act shall be served on the Party to whom the same respectively relate in the same Manner as is hereby directed with respect to the Service of a Copy of the Articles on the Party accused.

Proceedings on
a Hearing
before the
Bishop.

XI. And be it enacted, That if the Party accused shall refuse or neglect to appear and make Answer to the said Articles, or shall appear and make any Answer to the said Articles other than an unqualified Admission of the Truth thereof, the Bishop shall proceed to hear the Cause, with the Assistance of Three Assessors, to be nominated by the Bishop, One of whom shall be an Advocate who shall have practised
not

not less than Five Years in the Court of the Archbishop of the Province, or a Sergeant at Law, or a Barrister of not less than Seven Years standing, and another shall be the Dean of his Cathedral Church, or of One of his Cathedral Churches, or One of his Archdeacons, or his Chancellor; and upon the Hearing of such Cause the Bishop shall determine the same, and pronounce Sentence thereupon according to the Ecclesiastical Law.

XII. And be it enacted, That all Sentences which shall be pronounced by any Bishop or his Commissary in pursuance of this Act shall be good and effectual in Law, and such Sentences may be enforced by the like Means as a Sentence pronounced by an Ecclesiastical Court of competent Jurisdiction.

Sentence of Bishop to be effectual in Law.

XIII. Provided always, and be it enacted, That it shall be lawful for the Bishop of any Diocese within which any such Clerk shall hold any Preferment, or if he hold no Preferment then for the Bishop of the Diocese within which the Offence is alleged to have been committed, in any Case, if he shall think fit, either in the first instance or after the Commissioners shall have reported that there is sufficient *prima facie* Ground for instituting Proceedings, and before the filing of the Articles, but not afterwards, to send the Case by Letters of Request to the Court of Appeal of the Province, to be there heard and determined according to the Law and Practice of such Court: Provided always, that the Judge of the said Court may and he is hereby authorized and empowered from Time to Time to make any Order or Orders of Court for the Purpose of expediting such Suits or otherwise improving the Practice of the said Court, and from Time to Time to alter and revoke the same: Provided also, that there shall be no Appeal from any interlocutory Decree or Order not having the Force or Effect of a definitive Sentence, and thereby ending the Suit in the Court of Appeal of the Province, save by the Permission of the Judge of such Court.

Bishop may send the Cause to the Court of Appeal of the Province.

Judge of the Court may make Orders for expediting such Suits.

No Appeal from interlocutory Decree.

XIV. And be it enacted, That in every Case in which, from the Nature of the Offence charged, it shall appear to any Bishop, within whose Diocese the Party accused may hold any Preferment, that great Scandal is likely to arise from the Party accused continuing to perform the Services of the Church while such Charge is under Investigation, or that his Ministration will be useless while such Charge is pending, it shall be lawful for the Bishop to cause a Notice to be served on such Party at the same Time with the Service of a Copy of the Articles aforesaid, or at any Time pending any Proceedings before the Bishop or in any Ecclesiastical Court, inhibiting the said Party from performing any Services of the Church within such Diocese from and after the Expiration of Fourteen Days from the Service of such Notice, and until Sentence shall have been given in the said Cause; provided that it shall be lawful for such Party, being the Incumbent of a Benefice, within Fourteen Days after the Service of the said Notice, to nominate to the Bishop any fit Person or Persons to perform all such Services

Bishop empowered to inhibit Party accused from performing Services of the Church, &c.

of the Church during the Period in which such Party shall be so inhibited as aforesaid; and if the Bishop shall deem the Person or Persons so nominated fit for the Performance of such Services he shall grant his Licence to him or them accordingly, or in case a fit Person shall not be nominated the Bishop shall make such Provision for the Service of the Church as to him shall seem necessary; and in all such Cases it shall be lawful for the Bishop to assign such Stipend, not exceeding the Stipend required by Law for the Curacy of the Church belonging to the said Party, not exceeding a Moiety of the net annual Income of the Benefice, as the said Bishop may think fit, and to provide for the Payment of such Stipend, if necessary, by Sequestration of the Living: Provided also, that it shall be lawful for the said Bishop at any Time to revoke such Inhibition and Licence respectively.

What Appeals
may be.

XV. And be it enacted, That it shall be lawful for any Party who shall think himself aggrieved by the Judgment pronounced in the first instance by the Bishop, or in the Court of Appeal of the Province, to appeal from such Judgment; and such Appeal shall be to the Archbishop, and shall be heard before the Judge of the Court of Appeal of the Province, when the Cause shall have been heard and determined in the first instance by the Bishop, and shall be proceeded in in the said Court of Appeal in the same Manner and subject only to the same Appeal as in this Act is provided with respect to Cases sent by Letters of Request to the said Court; and the Appeal shall be to the Queen in Council, and shall be heard before the Judicial Committee of the Privy Council, when the Cause shall have been heard and determined in the first instance in the Court of the Archbishop.

Archbishops
and Bishops,
Members of the
Privy Council,
to be Members
of the Judicial
Committee on
all Appeals
under this Act.

XVI. And be it enacted, That every Archbishop and Bishop of the United Church of *England* and *Ireland*, who now is or at any Time hereafter shall be sworn of Her Majesty's Most Honourable Privy Council, shall be a Member of the Judicial Committee of the Privy Council for the Purposes of every such Appeal as aforesaid; and that no such Appeal shall be heard before the Judicial Committee of the Privy Council unless at least One of such Archbishops or Bishops shall be present at the Hearing thereof: Provided always, that the Archbishop or Bishop who shall have issued the Commission herein-before mentioned in any such Case, or who shall have heard any such Case, or who shall have sent any such Case by Letters of Request to the Court of Appeal of the Province, shall not sit as a Member of the Judicial Committee on an Appeal in that Case.

Attendance of
Witnesses, and
Production of
Papers, &c.
may be com-
pelled.

XVII. And be it enacted, That it shall be lawful in any such Inquiry for any Three or more of the Commissioners, or in any such Proceeding for the Bishop, or for any Assessor of the Bishop, or for the Judge of the Court of Appeal of the Province, to require the Attendance of such Witnesses, and the Production of such Deeds, Evidences, or Writings, as may be necessary; and such Bishop, Judge, Assessor, and Commis-
sioners

sioners respectively shall have the same Power for these Purposes as now belong to the Consistorial Court and to the Court of Arches respectively.

XVIII. And be it enacted, That every Witness who shall be examined in pursuance of this Act shall give his or her Evidence upon Oath, or upon solemn Affirmation in Cases where an Affirmation is allowed by Law instead of an Oath, which Oath or Affirmation respectively shall be administered by the Judge of the Court or his Surrogate, or by the Assessor of the Bishop, or by a Commissioner; and that every such Witness who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury.

Witnesses to be examined on Oath, and to be liable to Punishment for Perjury.

XIX. Provided always, and be it enacted, That nothing herein-before contained shall prevent any Person from instituting as voluntary Promoter, or from prosecuting in such Form and Manner and in such Court as he might have done before the passing of this Act, any Suit, which, though in Form Criminal, shall have the Effect of asserting, ascertaining, or establishing any Civil Right, nor to prevent the Archbishop of the Province from citing any such Clerk before him in Cases and under Circumstances in and under which such Archbishop might, before the passing of this Act, cite such Clerk under and in pursuance of a Statute passed in the Twenty-third Year of the Reign of King *Henry* the Eighth, intituled *An Act that no Person shall be cited out of the Diocese where he or she dwelleth, except in certain Cases.*

Provisions of Act not to interfere with Persons instituting Suits to establish a civil Right.

23 H. 8. c. 9.

XX. And be it enacted, That every Suit or Proceeding against any such Clerk in Holy Orders for any Offence against the Laws Ecclesiastical shall be commenced within Two Years after the Commission of the Offence in respect of which the Suit or Proceeding shall be instituted, and not afterwards: Provided always, that whenever any such Suit or Proceeding shall be brought in respect of an Offence for which a Conviction shall have been obtained in any Court of Common Law, such Suit or Proceeding may be brought against the Person convicted at any Time within Six Calendar Months after such Conviction, although more than Two Years shall have elapsed since the Commission of the Offence in respect of which such Suit or Proceeding shall be so brought.

Suits to be commenced within Two Years.

Proviso.

XXI. And be it declared and enacted, That the Act passed in the Twenty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to prevent frivolous and vexatious Suits in the Ecclesiastical Courts*, does not and shall not extend to the Time of the Commencement of Suits or Proceedings against Spiritual Persons for any of the Offences in the said Act named.

27 G. 3. c. 44. not to apply to Suits against Spiritual Persons for certain Offences.

XXII. And be it enacted, That every Archbishop and Bishop within the Limit of whose Province or Diocese respectively any Place, District, or Preferment, exempt or peculiar, shall be locally situate, shall, except as herein otherwise provided, have, use, and exercise all the Powers and Authorities necessary for the due Execution by them respectively of the Provisions and

Power of Archbishops and Bishops as to exempt or peculiar Places or Preferments.

Purposes of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop; and where any Place, District, or Preferment, exempt or peculiar, shall be locally situate within the Limits of more than One Province or Diocese, or where the same, or any of them, shall be locally situate between the Limits of the Two Provinces, or between the Limits of any Two or more Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Cathedral, Collegiate, or other Church or Chapel of the Place, District, or Preferment respectively shall be nearest in local Situation shall have, use, and exercise all the Powers and Authorities which are necessary for the due Execution of the Provisions of this Act, and enforcing the same with regard thereto respectively, as such Archbishop or Bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop respectively, and the same, for all the Purposes of this Act, shall be deemed and taken to be within the Limits of the Province or Diocese of such Archbishop or Bishop; provided that the Peculiars belonging to any Archbishoprick or Bishoprick, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the Purposes of this Act as for all other Purposes of Ecclesiastical Jurisdiction.

No Suit to be instituted except as herein provided.

XXIII. And be it enacted, That no Criminal Suit or Proceeding against a Clerk in Holy Orders of the United Church of *England* and *Ireland* for any Offence against the Laws Ecclesiastical shall be instituted in any Ecclesiastical Court otherwise than is herein-before enacted or provided.

If a Bishop is Patron of the Preferment held by accused Party, Archbishop to act in his Stead.

XXIV. And be it enacted, That when any Act, save sending a Case by Letters of Request to the Court of Appeal of the Province, is to be done or any Authority is to be exercised by a Bishop under this Act, such Act shall be done or Authority exercised by the Archbishop of the Province in all Cases where the Bishop who would otherwise do the Act or exercise the Authority is the Patron of any Preferment held by the Party accused.

Saving of Archbishop and Bishop's Powers.

XXV. And be it enacted, That nothing in this Act contained shall be construed to affect any Authority over the Clergy of their respective Provinces or Dioceses which the Archbishops or Bishops of *England* and *Wales* may now according to Law exercise personally and without Process in Court; and that nothing herein contained shall extend to *Ireland*.

Act may be amended, &c.

XXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. LXXXVII.

An Act to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in the Metropolis. *4 & 5 Vic. 12, 10-566 & 64*
 [7th August 1840.]

‘ **W**HEREAS an Act was passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to raise a Sum of Money for making additional Thoroughfares in the Metropolis*, reciting, that in order to remove many of the existing Obstructions which impeded the main Lines of Communication in several Parts of the Metropolis, and for creating new and commodious Thoroughfares in such Districts, so as to afford additional Facilities of Intercourse, it had been proposed to open a convenient Thoroughfare from the End of *Coventry Street* to the Junction of *Newport Street* and *Long Acre*, and to continue the Line of Street from *Waterloo Bridge*, then already completed, to *Bow Street*, from thence, Northward, into *Broad Street*, *Holborn*, to extend *Oxford Street* in a direct Line through *Saint Giles's*, so as to communicate with *Holborn* at or near *Southampton Street*, and to open a spacious Thoroughfare between the populous Neighbourhood of *Whitechapel* and *Spitalfields*, and the Docks and Wharfs of the River *Thames*, by widening the Northern and Southern Extremities of *Leman Street*, and by creating a new Street from the Northern Side of *Whitechapel* to the Front of *Spitalfields Church*; and reciting, that it was expedient that the carrying into effect such several Alterations and Improvements should be placed under the Direction and Superintendence of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, subject to the Approbation of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being; and reciting, that the Income of certain of the several Funds therein mentioned, charged by certain Acts therein recited, of the Tenth Year of the Reign of His late Majesty King *George the Fourth*, the Eleventh Year of the Reign of His said late Majesty, and the First and Second Years of the Reign of Her present Majesty, with the Repayment of the several Sums thereby authorized and directed to be raised for the several Purposes therein mentioned, had so much increased as to render it probable that if the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered to raise the Sum of Two hundred thousand Pounds on the Credit of the said several Funds (such Sum of Two hundred thousand Pounds to be applied by them towards the making and completing the several Alterations and Improvements therein-before mentioned), the

‘ Surplus of such Funds would be amply sufficient to pay the
 ‘ Interest thereof, and also to pay off, on or before the Fifth
 ‘ Day of *July* One thousand eight hundred and fifty-eight,
 ‘ the Principal thereof, as well as the Principal Sums of
 ‘ Money and Interest and Annuities then remaining charged
 ‘ thereon; it was by the now-reciting Act enacted, that the
 ‘ Commissioners for the Time being of Her Majesty’s Woods,
 ‘ Forests, Land Revenues, Works, and Buildings should be
 ‘ and they were thereby appointed Commissioners for exe-
 ‘ cuting and completing the several Alterations and Improve-
 ‘ ments therein-before mentioned, and for carrying the Purposes
 ‘ of the now-reciting Act into execution, and all Acts, Matters,
 ‘ and Things authorized or necessary to be done and executed
 ‘ by the said Commissioners in pursuance of the said Act
 ‘ might be done and executed by any Two of them, and the
 ‘ same should be as valid and effectual, and should have the
 ‘ same Force and Effect, as if such Acts, Matters, and Things
 ‘ had been done and executed by all the said Commissioners;
 ‘ and it was thereby enacted, that for providing a Fund for
 ‘ the Purposes of the now-reciting Act it should be lawful for
 ‘ the Commissioners of Her Majesty’s Woods, Forests, Land
 ‘ Revenues, Works, and Buildings for the Time being, from
 ‘ Time to Time, with the Consent of the Lord High Treasurer
 ‘ of the United Kingdom of *Great Britain and Ireland*, or of
 ‘ the Commissioners for executing the Office of Lord High
 ‘ Treasurer of the said United Kingdom, or any Three or
 ‘ more of them, to charge the Funds therein-after mentioned,
 ‘ and made subject as after mentioned, with the Payment of
 ‘ any Sum or Sums of Money not exceeding in the whole the
 ‘ Sum of Two hundred thousand Pounds, together with Interest
 ‘ on the Sum or Sums to be charged from the Time of charging
 ‘ the same, not exceeding Five Pounds *per Centum per Annum*,
 ‘ to be payable half-yearly; and it was thereby enacted, that
 ‘ the Fund called “The Orphans Fund,” and the Fund called
 ‘ “The *London Bridge* Approaches Fund,” and all and singular
 ‘ the Funds, Duties, Impositions, and Revenues created, con-
 ‘ stituted, imposed, or continued by the said therein-recited
 ‘ Acts of the Tenth Year of the Reign of King *George* the
 ‘ Fourth, the Eleventh Year of the Reign of King *George* the
 ‘ Fourth, and the First and Second Years of the Reign of Her
 ‘ present Majesty, or any or either of them, should be the
 ‘ Fund to be charged by Her Majesty’s said Commissioners,
 ‘ and should be applicable, after the Sums then already bor-
 ‘ rowed thereon should have been paid off and discharged, to
 ‘ the Payment of all such Monies as might be charged thereon
 ‘ by the Commissioners for executing the now-reciting Act, and
 ‘ the Interest thereof, until the Sum or Sums and Interest to
 ‘ be charged thereon as last aforesaid should be paid off and
 ‘ discharged; and it was thereby enacted, that for the Purposes
 ‘ of the now-reciting Act it should be lawful for the Commis-
 ‘ sioners of Her Majesty’s Woods, Forests, Land Revenues,
 ‘ Works, and Buildings, by and with the Consent and Ap-
 ‘ probation

' probation of the Lord High Treasurer or the Commissioners
 ' of Her Majesty's Treasury for the Time being, to borrow
 ' and raise any Sum or Sums of Money not exceeding in the
 ' whole the Sum of Two hundred thousand Pounds upon the
 ' Credit of the said Monies and Interest so charged in manner
 ' therein mentioned; and it was thereby enacted, that the Sum
 ' and Sums of Money which the said Commissioners of Her
 ' Majesty's Woods, Forests, Land Revenues, Works, and
 ' Buildings were thereby authorized to charge, or which
 ' might be borrowed and taken up at Interest by the said
 ' Commissioners, in pursuance of the Powers of the said re-
 ' cited Act, should be applied, in the first place, in paying all
 ' the Charges and Expences of or incident to or incurred in
 ' the obtaining and passing the now-reciting Act, and any
 ' other Act for the Purpose of making and completing the said
 ' Improvements, and afterwards in paying and discharging
 ' the necessary Expences of surveying, designing, laying out,
 ' making, and completing the Streets and other Improvements
 ' which were to be made and done by the said Commis-
 ' sioners of Her Majesty's Woods, Forests, Land Revenues,
 ' Works, and Buildings, in such Manner as might be provided
 ' in any Act to be passed for that Purpose; and it was thereby
 ' enacted, that it should be lawful for the said Commissioners
 ' for executing the said Act, and they were thereby authorized
 ' and empowered, by and with the Consent and Approbation
 ' in Writing of the Lord High Treasurer of *Great Britain*,
 ' or of the Commissioners for executing the Office of Lord
 ' High Treasurer, or any Three or more of them, to cause
 ' proper Surveys and Plans to be made of the Direction of
 ' the said intended Thoroughfares or Streets, and to submit
 ' the same for Approval to the Lord High Treasurer of *Great*
 ' *Britain*, or the Commissioners for executing the Office of
 ' Lord High Treasurer: And whereas the Commissioners of
 ' Her Majesty's Woods, Forests, Land Revenues, Works, and
 ' Buildings have, by and with the Consent and Approbation of
 ' the Lords Commissioners of Her Majesty's Treasury, and in
 ' pursuance of the Provisions contained in the last-recited
 ' Act, caused Surveys and Plans to be made of Three of the
 ' said intended new Thoroughfares or Streets mentioned or
 ' referred to in the said Act, and which said Three new
 ' Thoroughfares or Streets are proposed to be made in the
 ' following Lines or Directions; namely, one of such Streets
 ' is intended to be commenced from the East End of *Oxford*
 ' *Street*, and to run from thence in or nearly in a direct Line
 ' therewith Eastward into *Holborn* at or near to the South End
 ' of *Southampton Street*, *Bloomsbury Square*; another of such
 ' Streets is intended to commence from the North Side of
 ' *Long Acre*, opposite *Bow Street*, and to run from thence in or
 ' nearly in a North-west Direction to *Charlotte Street*, *Blooms-*
 ' *bury*; and the other of such Streets is intended to commence
 ' from or near to the *London Docks*, and to run from thence
 ' into *Leman Street*, and from thence in a North-west Direction
 ' nearly

‘ nearly in a direct Line with *Leman Street* to the West Front
 ‘ of *Spitalfields Church*; which said several Thoroughfares or
 ‘ new Streets are or will be situate in the several Parishes of
 ‘ *Saint Martin-in-the-Fields* within the Liberty of *Westminster*,
 ‘ and *Saint Giles-in-the-Fields* and *Saint George Bloomsbury*,
 ‘ *Saint Mary Whitechapel*, and *Christchurch Spitalfields*, in the
 ‘ County of *Middlesex*: And whereas the said several Surveys
 ‘ and Plans made under the Direction of the Commissioners
 ‘ of Her Majesty’s Woods, Forests, Land Revenues, Works,
 ‘ and Buildings as aforesaid have been submitted to the said
 ‘ Commissioners of Her Majesty’s Treasury, and the same have
 ‘ been approved by them: And whereas it is expedient that
 ‘ the Commissioners of Her Majesty’s Woods, Forests, Land
 ‘ Revenues, Works, and Buildings shall be authorized and
 ‘ empowered, by and out of the Monies which they are by the
 ‘ said recited Act authorized to raise as aforesaid, and the
 ‘ Monies which they are hereby authorized and empowered to
 ‘ charge and raise, and other the Monies by this Act made
 ‘ applicable to the Purposes of this Act, to make, form, and
 ‘ complete the said Three Thoroughfares or new Streets from
 ‘ *Oxford Street* to *Holborn*, from *Long Acre* to *Charlotte Street*,
 ‘ and from the *London Docks* to *Spitalfields Church*, as herein-
 ‘ before is mentioned; and to divert, alter, widen, and im-
 ‘ prove such Parts of the present Streets as will form Entrances
 ‘ into such new Streets, or into the Streets, Squares, and
 ‘ Places connected therewith, according to such Plans so made
 ‘ and approved as aforesaid:’ May it therefore please Your
 Majesty that it may be enacted; and be it enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That it shall and may be lawful for the Commissioners
 of Her Majesty’s Woods, Forests, Land Revenues, Works, and
 Buildings for the Time being, and they are hereby authorized
 and empowered, to make, form, and complete the several new
 Streets, Improvements, and Alterations herein-before men-
 tioned, and to carry the Purposes of this Act into execution,
 in manner herein-after mentioned, and according to such Plans
 as aforesaid; and such new Streets, Improvements, and Al-
 terations may be commenced at one and the same Time, or in
 such Order as the said Commissioners, with the Assent of the
 Lord High Treasurer, or the Commissioners of Her Majesty’s
 Treasury, may think fit.

Commissioners
of Woods, &c.
empowered to
make new
Streets and
Improvements.

Funds autho-
rized to be
charged by the
2 & 3 Vict. c. 80.
specified.

II. And be it enacted, That the said Funds by the said
 recited Act authorized to be charged by the said Commis-
 sioners of Her Majesty’s Woods, Forests, Land Revenues,
 Works, and Buildings shall be the several Duties on Coals
 imported into the Port of *London*, and brought by Inland Con-
 veyance, the Duty on Wine, the several annual Sums charged
 on the Revenues of the City of *London*, amounting to the
 annual Sum of Eleven thousand five hundred Pounds, the Fees
 payable on the Admission of Freemen and on the binding of
 Apprentices,

Apprentices, and for Aqueducts; and which said Funds respectively are in and by the said recited Act mentioned or referred to.

III. And be it enacted, That nothing in the said recited Act or this Act contained shall give any Priority to the said Sum of Two hundred thousand Pounds, or any Monies to be charged by virtue of this Act by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, over the Sum of One hundred and fifty thousand Pounds by the Act passed in the First and Second Year of the Reign of Her present Majesty, intituled *An Act for improving the Site of the Royal Exchange in the City of London, and the Avenues adjoining thereto*; any thing in the said recited Act or this Act to the contrary contained.

2 & 3 Vict. c. 80.
not to give
Priority to the
200,000*l.* there-
by charged over
the 150,000*l.*
charged by
1 & 2 Vict.
c. 100.

IV. And be it enacted, That all and every the Monies by the said recited Act authorized to be charged and borrowed shall, subject to the Application thereof so directed to be made by the said recited Act, be applied by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to the carrying into effect the Purposes of this Act.

Application of
Monies to be
borrowed under
the 2 & 3 Vict.
c. 80.

V. And be it enacted, That for the Purposes of this Act and the said Act passed in the Second and Third Year of Her Majesty's Reign, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be and they are hereby constituted a Corporation by the Name or Style of "The Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings," in order to enable them to execute and carry into effect the several Powers and Purposes of this Act, and by that Name, for the Purposes of this Act, they the said last-mentioned Commissioners shall and may have perpetual Succession, and use a Common Seal, to be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take Lands and Hereditaments to them and their Successors for ever, for the Purposes of this Act.

Commissioners
of Woods, &c.
to be a Corpo-
ration for the
Purposes of
this and the
recited Act.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by and with the Consent and Approbation of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, (in addition to and over and above the Sum of Two hundred thousand Pounds by the said recited Act of the Second and Third Year of the Reign of Her present Majesty authorized to be raised and borrowed upon the Credit of the Monies and Interest therein mentioned,) to charge, borrow, and raise, for the Purposes of this Act, any further Sum or Sums of Money, not exceeding in the whole the Sum of One hundred thousand Pounds, upon the Credit of the Monies and Interest in the said Act mentioned, and herein-before specified as the Funds by the said recited Act authorized to be charged; and all and every the Clauses, Powers, and Provisions in the said Act inserted and contained with respect to the charging, borrowing, and raising of

Commissioners
empowered to
charge the
Funds with the
further Sum of
100,000*l.* in
addition to
the Sum of
200,000*l.* au-
thorized to
be charged
thereon by
2 & 3 Vict. c. 80.

The Fund continued until the Sums charged thereon by this Act are paid.

Treasury empowered to authorize the Exchequer Bill Commissioners to advance Monies on the Credit of the Funds made chargeable by this Act.

of the said Sum of Two hundred thousand Pounds shall apply to the charging, borrowing, and raising of the said further Sum of One hundred thousand Pounds, in like Manner, to all Intents and Purposes, as if the Sum of Three hundred thousand Pounds had been in and by the said recited Act of the Second and Third Year of the Reign of Her present Majesty authorized to be charged, borrowed, and raised, instead of the Sum of Two hundred thousand Pounds as therein mentioned; and all such Parts of the Funds by the said recited Act authorized to be charged with the said Sum of Two hundred thousand Pounds therein mentioned as are not permanent, and which by the said Act were directed to be continued until the Sums charged and to be charged thereon by virtue of the said Act should be paid off and discharged, shall be and are hereby continued in all respects as directed by the said recited Act until the further Sum to be charged thereon by virtue of this Act shall be paid off and discharged: Provided nevertheless, that the Rates or Duties, annual or other Sums of Money, Fees, and Aqueducts, which were continued for a Term which will expire on the Fifth Day of *July* One thousand eight hundred and fifty-eight, unless the Sums of Money charged thereon should be sooner paid off and discharged, as in the said Act is mentioned, shall not be continued by this Act beyond the said Fifth Day of *July* One thousand eight hundred and fifty-eight.

VII. And be it enacted, That it shall and may be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, if he or they shall think it expedient, to authorize and direct the Commissioners for issuing Exchequer Bills for Public Works acting in execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, and of several subsequent Acts for amending and extending the same, to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Credit of the said Sum of Three hundred thousand Pounds, which the said Commissioners are by the said recited Act and this Act authorized to charge as aforesaid, any Sum or Sums of Money in Exchequer Bills not exceeding the said Sum of Three hundred thousand Pounds, and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, not exceeding the Rate of Three Pounds Ten Shillings *per Centum per Annum*, shall be secured in such and the like Manner as in and by the said recited Act of the Second and Third Year of the Reign of Her present Majesty is provided with respect to the Monies thereby authorized to be advanced out of the Consolidated Fund by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or otherwise as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, may order or direct; and the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, may authorize and direct such Sum of Money to be advanced and lent to the said Commissioners of Her Majesty's Woods,

Woods, Forests, Land Revenues, Works, and Buildings, by such Instalments, and from Time to Time, as the said Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, may think fit; and such Sum or Sums of Money may be so lent and advanced by the said Commissioners for issuing Exchequer Bills at any Time or Times hereafter, and notwithstanding that by reason of the prior Charges there may not be at the Time or respective Times of advancing the same any Fund for the Payment of the Interest of such Sum or Sums.

VIII. And be it enacted, That a Map or Plan, or separate Maps or Plans, describing the Lines of the said intended Streets, when signed by the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, and the Places, Buildings, Tenements, and Hereditaments on the Site of which the same Streets are proposed to be made, shall be deposited at the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the Map or Plan, or separate Maps or Plans, so deposited at the Office of the said Commissioners, shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Map or Plan of intended Streets to be deposited in the Office of Woods, &c. and be open to Inspection.

IX. And be it enacted, That no Alteration or Change shall be made in the Lines of the said Thoroughfares or Streets, as shown in such Plans, unless the same shall be approved by the Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them.

No Alteration in Line without the Consent of the Treasury.

X. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in making the said new Streets, Alterations, and Improvements, shall not deviate more than Fifty Feet from the Lines described in the aforesaid Maps or Plans, without the Consent and Approbation of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

Limiting Power to deviate.

XI. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and may, and they are hereby empowered, from Time to Time, to appoint such and so many Clerks, and other Officers and Persons as they shall deem necessary to employ in the Execution of this Act, and may from Time to Time remove such Clerks, Officers, and other Persons, or any of them, and appoint others in their Stead, and also shall and may, out of the Monies to be raised by virtue of the said recited Act of the Second and Third Year of the Reign of Her present Majesty, and this Act, allow to such Clerks and other Officers, and such other Person and Persons as shall be assisting in or about the Execution of this Act, such Salaries or Allowances as to them the said Commissioners shall seem meet, and as shall be approved of by the said Lord High Treasurer, or the said Commissioners

Commissioners may appoint Officers.

missioners of Her Majesty's Treasury, or any Three or more of them: Provided always, that the said Commissioners shall and may and they are hereby authorized and empowered, if they shall think proper so to do, to take such Security, either to themselves or Her Majesty, from any Clerk, Officer, or other Person to be appointed by virtue of this Act, for the due and faithful Execution of his Office, as they the said Commissioners shall think fit.

Proceedings
when entered
in a Book to be
Evidence.

XII. And be it enacted, That all such Orders and Proceedings of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in the Execution of this Act and of the said recited Act, which shall be entered in a Book or Books to be kept for that Purpose, shall, when so entered, and signed by the said Commissioners, or any Two of them, be deemed to be Originals, and such Book or Books shall be admitted as Evidence in all Courts whatsoever.

Commissioners
may lay out
Foot and Car-
riage Ways.

XIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to cause such Part of the said intended Streets to be laid out for Carriageways, and such Part thereof for Foot Passengers, as they shall think proper.

Power to alter
and stop up
Streets and
Ways.

XIV. And be it enacted, That it shall be lawful for the said Commissioners to alter, divert, stop up, or inclose such Streets, Courts, Alleys, Ways, or Passages, and void Ground, or such Part and Parts thereof as shall be necessary to be altered, diverted, stopped up, or inclosed for the Purposes of this Act; and the Ground and Soil of such Streets, Courts, Alleys, Ways, Passages, and void Ground, or Parts thereof respectively, as shall be stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, for the Purposes of this Act.

Power to stop
up Ways during
the Execution
of this Act.

XV. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, during the making of the said Streets and Thoroughfares, to stop up or cause to be stopped up all or any Part of the Carriage or Foot Ways of Streets and other Places as shall be necessary for the Purposes of this Act, and for that Purpose to put up or cause to be put up sufficient Palisadoes, Bars, Posts, and other Erections, and to make such Orders for regulating the Passage of all Carts, Carriages, and Horses, as to them shall seem proper.

Streets may be
raised or
lowered.

XVI. And be it enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to raise or lower, or cause to be raised or lowered, the Ground of any Streets or Ways which shall communicate with the said Streets to be made as aforesaid, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses injured by such Alterations as shall be agreed on by and between the Parties.

XVII. Pro-

XVII. Provided always, and be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, out of the Monies to be raised by them under the Provisions of the said recited Act of the Second and Third Year of the Reign of Her present Majesty, and of this Act, in a substantial and workmanlike Manner, fill in or cause to be filled in all and every the Vaults, Cellars, and open Places over which it may be necessary, for the Purposes aforesaid, or any of them, to new pave, (except such as may be used again as Cellars, Vaults, or Areas,) with good sound hard Brick Rubbish, to be well rammed down to prevent the Ground from giving way, and shall well and effectually pave over, either with Stone, Wood, or other Material, or macadamize, all the said Ground and the said Streets or Ways with a sufficient Quantity of Materials of proper Qualities and Dimensions, and shall in like Manner erect and build any Arch or Arches which they may think necessary, and also relay, pave, or macadamize, and repair all and every Part of the Streets, Ways, and Passages which they shall disturb or alter in carrying the Purposes of this Act into execution: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to charge the said Monies to be applied for the Purposes of this Act with repairing or making good such Pavement or Arches in future, but that from and after the same shall be so paved, relaid, and repaired as aforesaid the same shall for ever thereafter be kept in repair by and at the Expence of the respective Parishes to which the same shall respectively belong, or of the Commissioners liable to repair the Streets or Thoroughfares in the Places in which the same shall be; and that the Right and Property of all Pavements, Arches, Stones, Wood, and Bricks so to be laid as aforesaid shall belong to and be the Property of the said respective Parishes or Commissioners, or other Persons or Bodies, in the same Manner as Things of a like Description in other Parts of the said Parishes respectively are now or may be vested by Law.

directing how
the Pavements
shall be laid
and made.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, out of the Monies to be raised by them under the Powers and Provisions of the said recited Act of the Second and Third Year of the Reign of Her present Majesty, and of this Act, to cause to be arched over or filled up all such Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said Streets or Ways to be made, altered, diverted, or stopped up or inclosed as aforesaid respectively, as shall appear necessary for completing the Purposes of this Act, so as that no Public Sewer or Drain whatsoever, or any Private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof,

Sewers or
Drains to be
arched over or
filled up.

thereof, as aforesaid, the said Commissioners shall cause to be made and built other good and sufficient Sewers and Drains, to be approved by the Commissioners of Sewers, of the same or greater Size or Capacity, and upon the same or lower Levels, than the Sewers or Drains which shall be filled up; and when made and completed the said respective Sewers and Drains shall be under the Jurisdiction, Care, Management, and Direction of the Commissioners of Sewers of the District in which the same shall be: Provided also, that in case the said Commissioners of Sewers shall require any Sewer or Drain, or Part or Parts of any Sewer or Drain, that may be destroyed or altered under the Authority of this Act, to be rebuilt or remade of larger Capacity than the ordinary Size generally used by the Commissioners of Sewers, and shall give Notice to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings of such Desire, before such Sewer or Drain shall be begun to be rebuilt or altered, then and in every such Case such Sewer or Drain shall be rebuilt or remade of such enlarged Dimensions as the said Commissioners of Sewers may require, and such Commissioners of Sewers shall bear and pay the Difference in Expenditure that may be occasioned by such enlarged Capacity; and in case any Difference shall arise as to the Sum to be paid by the said Commissioners of Sewers, then it shall be referred to the Decision of Two Arbitrators, or if they differ to an Umpire, to be named by the Two Arbitrators, one of such Arbitrators to be named by the said Commissioners of Sewers, and the other by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Power to alter
Steps, Areas,
Pipes, &c.

XIX. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, out of the Monies to be raised by them as aforesaid, to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellars, Windows, and Water Channels, Pipes, or Spouts belonging to any House or Houses, and also the Mains and the Leaden or other Pipes which for the Purposes of conveying Water or Gas to any House or other Place shall be laid into or from any Main or Pipe laid down by any of the Companies or Societies who furnish the Inhabitants with Water or Gas, in such Manner as shall be consistent with the Acts of Parliament incorporating such Companies or Societies (if any), and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Companies, Societies, and Inhabitants as the Circumstances of the Case will admit.

Ground laid
into the Streets
to form Part
thereof.

XX. And be it enacted, That when the said Streets shall be made in pursuance of this Act all the Ground, Land, and Hereditaments which shall be laid open into the said Streets, and paved as aforesaid, shall form Part of the said Streets, and shall be used by the Public accordingly, and the same, and the sole Power and Authority of paving, repairing, cleansing, lighting,

ing, and watching thereof, and of rating the Lands, Tenements, and Hereditaments situate and being within the same, shall be under the Care, Management, Control, and Jurisdiction of the same Parishes or Places or Commissioners as possess such Power and Authority in respect of the Sites of such Streets, or any Part thereof, at the Time of the passing of this Act, or as the other Streets and Ways in the Parishes or Places in which the same respectively shall be situate.

XXI. And be it enacted, That for the Purpose of making the said Carriageways and Footways, and of providing the Sites necessary for the Houses and Buildings to form the said Streets, and generally for the Purposes of this Act, it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to take and use or cause to be taken and used any Tenements or Hereditaments, and pull down and remove or cause to be pulled down and removed any Houses or Buildings, which it may be deemed necessary and expedient to take, use, or pull down and remove for the Purposes of this Act, at any Time at the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Agent duly authorized, of their Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons, who shall be the Owners and Occupiers of such Tenements or Hereditaments, or, in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenements or Hereditament, shall be affixed upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

Power to take Houses, &c.

XXII. Provided always, and be it enacted, That no Houses or Buildings, Garden or Yard belonging to a House, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereunto annexed, or as are situated within the Limits of the Line of Deviation hereinbefore authorized, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

No Houses, &c. to be taken without Consent unless mentioned in Schedule.

XXIII. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to purchase, take down, and use, for the Purposes of this Act, any of the Houses, Buildings, and other Hereditaments described in the said Plan or Plans to be deposited in the Office of the said Commissioners as aforesaid as intended to be taken for the Purposes of this Act, although the same Houses, Buildings, and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the

Premises may be taken notwithstanding Errors in the Schedule.

Justices

Justices of the Peace for the County of *Middlesex*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners, their Surveyors, &c. to enter upon Houses, &c. for surveying or valuing.

XXIV. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and for their Surveyor or Surveyors, Officers and Workmen, from Time to Time, at all reasonable Times in the Day-time, upon giving Notice in Writing, for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the said Tenements and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Tenements and Hereditaments for the Damages that shall be thereby occasioned.

Commissioners empowered to treat for the Purchase of Houses, &c.

XXV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby empowered, to treat and agree for the Purchase of any Tenements and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein and Charges thereon, or such of them, or such Part or Parts thereof respectively, as the said Commissioners shall think proper, and to enter into any Contract or Contracts which they may think fit.

Houses purchased to be conveyed to Commissioners of Her Majesty's Woods, &c.

XXVI. And be it enacted, That the Messuages and other Hereditaments which shall be purchased in pursuance of this Act shall be conveyed to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, or to such Person or Persons as the said Commissioners for the Time being shall direct, in Trust for the Purposes of this Act, and to be conveyed, leased, or otherwise disposed of, as the said Commissioners under the Powers herein contained shall direct; and that, until the same shall be sold and disposed of, the Rents and Profits thereof shall be received and applied by the said Commissioners for the Purposes of this Act or any of them.

Limitation of Time of purchasing Houses, &c.

XXVII. And be it enacted, That if the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall not within the Space of Seven Years, to be computed from the passing of this Act, purchase or take the Tenements and Hereditaments or Parts thereof respectively which they are empowered by this Act to take, use, and purchase as aforesaid, then and from thenceforth the Powers hereby granted to them for such Purpose shall cease, determine, and be utterly void.

Bodies Politic, Trustees, and

XXVIII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical, or Lay, Aggregate

Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Females Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years absolute or determinable on any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Females Covert entitled in their own Right to any such Tenements or Hereditaments, or to Dower or other Interest therein, on behalf, not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also, where such Wards, Wives, Persons, or Females Covert respectively shall be Tenants for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Females Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Females Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Tenements or Hereditaments, and to and for all and every other Person or Persons whomsoever, who are or shall be seised or possessed of or interested in any Tenements or Hereditaments which by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same, and every or any Part thereof, to the said Commissioners and their Successors, or to such Person or Persons as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall direct, for the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, Conveyances and Assurances, Acts and Deeds, which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law; and all Bodies Politic, Corporate, or Collegiate, and all Persons whosoever contracting or conveying as aforesaid, are hereby

other Persons
empowered to
sell and convey,
&c.

indemnified for or in respect of any such Sale which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act.

Satisfaction to be made, and may be accepted.

XXIX. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons herein-before capacitated to contract for, sell, and convey any such Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and also any Tenant or Tenants or other Occupier or Occupiers of any such Premises entitled to any Compensation for Tenant's Fixtures and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and in case the said Commissioners and the said Parties interested in such Tenements or Hereditaments or Fixtures, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

XXX. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or their Agent duly authorized, of the Intention to take or use any Tenement or Hereditament, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body and Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and other Person and Persons seised, possessed of, or interested in, or authorized by this Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein, or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver or cause to be delivered to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or by leaving the same at their Office, a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to, or to be authorized to receive Satisfaction or Recompence for, and of the Goodwill, Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which, he, she, or they

they may expect and be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive as Compensation for such Goodwill and Improvements and Fixtures, and for such Injury or Damage respectively.

XXXI. And be it enacted, That if any Owners or Proprietors, Occupiers, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons seised, possessed of, or interested in any Houses, Buildings, Ground, Tenements, or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon which the said Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in the Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the High Bailiff of the City and Liberty of *Westminster* or his Deputy as regards any Hereditaments which may be situate within the Liberty of *Westminster*, and the Sheriff of *Middlesex* or his Under Sheriff as regards any other Hereditaments, or in case such Sheriff or Under Sheriff, High Bailiff or his Deputy, shall be in anywise interested in the Matter in question, then some one of the Coroners of the County of *Middlesex*, not interested therein, shall, upon the Warrant of the said Commissioners in manner herein-after mentioned, and he and they is and are hereby required and authorized, to cause it to be inquired into and ascertained upon the Oaths of a Jury of Twelve indifferent Men of the said City of *Westminster* as regards Hereditaments within the said Liberty of *Westminster*, and of the said County of *Middlesex* as regards any other Hereditaments, which Oaths the said Sheriff, Under Sheriff, High Bailiff, or his Deputy or Coroner, is and are hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Houses, Buildings, Grounds, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Houses, Buildings, Ground, Tenements, or Hereditaments, and of such respective Estates and Interest therein, and also for Goodwill, Im-

If Parties refuse to treat, or shall not agree, a Jury to be summoned.

improvements, or any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties; provided such Goodwill shall be estimated by what, in the Opinion of such Jury, the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Houses, Buildings, Ground, Tenements, or Hereditaments for the Purposes or under and by virtue of the Authority of this Act; and the said Jury, in estimating such Recompence and Satisfaction, shall take into their Consideration the Increase in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises; which Oath the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner is and are hereby empowered to administer; and such Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and their own as for the said Jury's better Information in the Premises, as the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive to all Intents and Purposes, upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, to summon, impanel, and return, at some convenient Place in the said County of *Middlesex* or City of *Westminster* (as the Case may be), a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner, at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least, in Writing under the Hands of the said Commissioners,

of

of the Time and Place at which such Jury are so required to be returned, shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under Sheriff, High Bailiff, Deputy or Coroner is and are hereby empowered to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury, for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence before the said Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

XXXII. And be it enacted, That if the Owner, Lessee, or Occupier of any Tenements or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or of his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners, or any Person or Persons authorized by them, shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises, according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners, or the Person or Persons authorized by them, have taken away so much as they shall think necessary for the Purpose of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the said Commissioners for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Where Part of an Estate is taken, the Remainder to be valued.

Notice to be given of the Compensation claimed.

XXXIII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenants Fixtures, or any Injury or Damage alleged to have been sustained by him or them by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons, Ten Days at least before the Time of the Meeting of such Jury.

Penalty on Sheriff, High Bailiff, Jury, and Witnesses for Neglect of Duty.

XXXIV. And be it enacted, That if the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse, to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*, as the Case may be, by Distress and Sale of the Goods and Chattels of the Persons so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.

XXXV. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Tenements or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value, so ascertained, between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Tenements or Hereditaments alleged to be held under different

rent Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have previously been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

XXXVI. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them, concerning the Value of Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the said Commissioners to make a proper Offer.

Verdict of
Value of Lands
and Damages
to be ascertained
separately.

XXXVII. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of any Person or Persons in any such Houses, Buildings, Ground, Tenements, or Hereditaments, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the Aggregate by the said Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner in which any

Providing for
Expences of
Jury.

Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to and offered by the said Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences, to be settled by such Sheriff, Under Sheriff, High Bailiff, Deputy, or Coroner in manner aforesaid, shall be paid to the said Commissioners by the said Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons so claiming such Compensation, or refusing to treat and agree as before mentioned respectively (save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid), in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other; and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to and for the Use of the Person and Persons entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or in case no Money or no sufficient Sum of Money shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster* (as the Case may be), by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charges such Distress and Sale, shall be deducted.

Verdicts to be
recorded. ;

XXXVIII. And be it enacted, That a Minute or Docket of all the said Judgments and Verdicts shall be recorded in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all such Judgments and

and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Middlesex*, or the said City and Liberty of *Westminster*, (as the Case may be,) to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County and City and Liberty, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

XXXIX. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the Whole or such Part thereof over and above such Part thereof as may be wanted for the Purposes of this Act as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners, with such Consent and Approbation as aforesaid, shall see fit, for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the Whole or such Part thereof as aforesaid of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the manner aforesaid.

Commissioners empowered to purchase the Whole of the Premises, if the Owners are unwilling to sell a Part.

XL. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto in any Tenements or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease, or Agreement for Demise or Lease,

Persons holding under Leases to produce the same.

Lease,

Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners, or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling
Disputes as to
Damages to a
small Amount.

XLII. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the City of *Westminster* if the Property is situate in that City, and for the County of *Middlesex* if the Property is out of the City, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and such Magistrates may examine Witnesses, and administer Oaths, in all respects, and with the same Consequences as to false swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Commissioners
not to take
possession until
the Purchase
Monies are
tendered or
paid.

XLIII. Provided always, and be it enacted, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England*, as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession or pull down any House or Houses or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners
empowered to
take possession
on Payment of
Purchase
Money into the
Bank of Eng-
land.

XLIII. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Tenement or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries, in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises, into the Bank of *England*, as herein-after directed and required, (in case the same shall be requisite,) for the Use of such Person or Persons

Persons so interested in or entitled as aforesaid, such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Body or Bodies, Person or Persons, or unknown Person or Persons, to whose Credit such Money shall be paid in, to, and out of the Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the said Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims, and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any such Conveyance or Assurance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises, to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowry of the Wife and Wives of such Person or Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners, and under the Regulations of this Act mentioned and contained.

XLIV. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Commissioners, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better securing the Monies and*

Application
of Purchase
Money when
amounting to
200*l*.

1 G. 4. c. 35.

Effects

*Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes, and the general Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the said Houses, Buildings, Ground, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Houses, Buildings, Ground, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Houses, Buildings, Ground, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.*

When less than
200*l.* and
amounting to
20*l.*

XLV. Provided also, and be it enacted, That if any Money so agreed or assessed to be paid for any Houses, Buildings, Grounds, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then

then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges, so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privy of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons, making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

XLVI. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners shall think fit; or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively. When less than 20*l*.

XLVII. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees, or Umpire, or by any Jury or Juries, for the Purchase of any Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, be not known or discovered, then and in every such Case it shall and may be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privy In case of not making out Titles.

Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Tenements or Hereditaments, Parts, Shares, Estates, Interests, or Charges, (describing such Tenements or Hereditaments,) but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court of Exchequer; which said Court, on the Application of any Body or Bodies, Person or Persons, making claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Body or Bodies, Person or Persons, making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title the Person in Possession shall be deemed entitled until the contrary be shown.

XLVIII. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons, to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in Possession of such Houses, Buildings, Ground, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Houses, Buildings, Ground, Tenements, and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person

son or Persons was or were lawfully entitled to such Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein, or Charge thereon.

XLIX. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Houses, Buildings, Ground, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money, out of the Monies applicable to the Purposes of this Act, as the said Court shall direct.

Court of Exchequer may order Expences of Purchases to be paid by the Commissioners.

L. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners or any Person or Persons authorized by them, by reason of the same Tenements or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Tenements or Hereditaments so to be taken, then and in every or any such Case the Tenements or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and awarded to be paid, shall be and are hereby released and for ever discharged from such Rent, and all Claims and Demands in respect thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested under the Direction and with the Approbation of the Court of Exchequer, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons, who would have been entitled to the Rents and Profits of the Tenements and Hereditaments for the Value of which such Money respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like

Where the Title is defective by reason of a Rent payable out of other Estates as well as Hereditaments required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Estates, which shall be subject to the Rent in the same Manner.

like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Tenements or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner, to all Intents and Purposes, as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court of Exchequer, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

Power to purchase the Release of Hereditaments wanted from Rents charged thereon.

LL. And be it enacted, That where any Tenements or Hereditaments purchased or wanted or intended to be purchased by the said Commissioners shall be subject, solely, or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners of Her Majesty's

Majesty's Woods, Forests, Land Revenues, Works, and Buildings to agree for the Release of the Tenements or Hereditaments so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or wanted or intended to be purchased, and of the Tenements or Hereditaments not purchased or wanted or intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Commissioners and any such Party as aforesaid respecting such Release shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject, and the same shall in fact be, a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Lands so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Tenements or Heredita-

like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Tenements or Hereditaments so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the said Tenements or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Tenements or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner, to all Intents and Purposes, as the Tenements or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons, to whom such Rent shall be payable, shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof, out of or upon the Tenements or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Tenements or Hereditaments to be taken for the Purposes of this Act, and in the same Manner, to all Intents and Purposes, as such Rent was reserved out of or charged upon such last-mentioned Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court of Exchequer, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons, for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

Power to purchase the Release of Hereditaments wanted from Rents charged thereon.

LL. And be it enacted, That where any Tenements or Hereditaments purchased or wanted or intended to be purchased by the said Commissioners shall be subject, solely, or jointly with other Tenements or Hereditaments not intended or wanted to be purchased, to or with any Rent Service, Rent-charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Commissioners of Her

Majesty's

Majesty's Woods, Forests, Land Revenues, Works, and Buildings to agree for the Release of the Tenements or Hereditaments so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Commissioners and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or wanted or intended to be purchased, and of the Tenements or Hereditaments not purchased or wanted or intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Commissioners and any such Party as aforesaid respecting such Release shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject, and the same shall in fact be, a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Lands so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance: Provided also, that when any of the Tenements or Hereditaments

ments purchased by the said Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments not purchased by the said Commissioners, such last-mentioned Tenements or Hereditaments shall be charged only with the Remainder of such Rent, Payment, or Incumbrance; and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument declaring what Part of the Tenements or Hereditaments originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrances which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on
Leases to be
apportioned.

LII. And be it enacted, That in all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act, and the Residue of such Tenements and Hereditaments; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Tenements or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor from whom such Tenements or Hereditaments are holden or agreed to be holden; and any Person hereby capacitated to sell who shall be a Lessor shall be capacitated to assent, and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the

the Recovery of the Rent so apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Tenements or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Tenements or Hereditaments, but not further or otherwise, continue in full Force and Operation.

LIII. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Tenements or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right, or in Trust for any other Body or Bodies, Person or Persons, and whether in Possession of such Tenements or Hereditaments by virtue of such Mortgage, or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall not be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption,) of and in the Tenements or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Tenements or Hereditaments which shall be so required, to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, or to such Person as the said Commissioners shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of such Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Tenements or Hereditaments which shall be so required for the Purposes of this Act, to the said Commissioners

Mortgagees to
convey to the
Commissioners.

of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, or as the said Commissioners shall direct; and in case any such Mortgagee shall refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender respectively as aforesaid, then, on Payment of such Money, Interest, and Costs, into the Court of Exchequer, as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs, (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at or at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee, at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money, in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, or for whom he shall be Trustee, shall vest in the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where the Mortgage Money is more than the Value of the Premises, or a Part only of the Premises is taken.

LIV. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Body or Bodies Politic,

Politie, Corporate, or Collegiate, Trustee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Tenements or Hereditaments, whether absolutely or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act, on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend; and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Tenements or Hereditaments the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his, her, or their neglecting or refusing to convey, assign, or transfer, as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*, to the Credit of the said Mortgagee or Mortgagees, as by this Act is provided in Cases of the like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Tenements or Hereditaments shall become absolutely vested in the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Tenements or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of the Tenements or Hereditaments subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and their Successors, have been paid to the Mortgagee or Mortgagees thereof, in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the said Commissioners, and shall

be signed by such Mortgagee or Mortgagees, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Tenements or Hereditaments comprised in such Mortgage Deed.

Tenants at Will
or from Year to
Year to quit
after Notice.

LV. And be it enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons, in Possession of any such Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in the said Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year or from Year to Year, shall, at the End of Six Calendar Months next after Notice in Writing, signed by the said Commissioners, shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenant's holding, or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation the same shall or may be settled and ascertained by a Jury, in the same Manner as the Sums of Money to be paid for the Purchase of any Ground or Hereditaments are herein-before directed to be ascertained, or if the said Commissioners and the other Parties in difference shall agree thereto, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person and Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in Possession of any Houses, Buildings, Ground, Tenements, or Hereditaments, or any Part of any Houses, Buildings, Ground, Tenements, or Hereditaments which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees, or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Persons shall hold the said Premises, shall, at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be

be absolutely void and of none Effect as against the said Commissioners; and if any such Tenant at Will or Lessee, or other Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole as aforesaid, shall refuse or neglect to deliver up the Premises in his or their Possession at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the County of *Middlesex* or the City and Liberty of *Westminster*, as the Case may be, to issue his Precept or Warrant to the Constables of the said County and City for the Time being, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constables or Constable, or any of them, to cause Possession of the said Premises to be taken, and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same on behalf of such Commissioners, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, whenever they may deem it just and reasonable so to do, from granting Compensation to any Tenant at Will for giving up the Possession of the Premises under or by virtue of this Act, in any Case where special Injury shall be proved to their Satisfaction.

LVI. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, as to the Price to be paid, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid, and every such Agreement shall be in all respects binding and effectual.

Persons authorized to sell may refer it to Arbitrators to fix the Price.

LVII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act; and the Monies to be produced by the Sale thereof (after deducting the Expences of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Tenements and Hereditaments to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be applied and disposed of for or towards the Purposes of this Act or any of them.

Power to clear the Ground and sell old Materials.

LVIII. And be it enacted, That, as regards all or any Ground or Hereditaments which shall be purchased, and which shall not be wanted for the Purposes of being made into

Commissioners to grant Building Leases of Ground not wanted which

they may think proper to let.

Thoroughfares, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized, when and as they shall think fit, by an Indenture or Indentures under their Common Seal, to demise and lease such Ground and Hereditaments, or such Part thereof as they shall think it expedient to let on Building Leases, either together or in Parcels, to any Person or Persons who shall erect and build or covenant and agree to erect and build thereon, or on any Part or Parts thereof, Houses, Erections, and Buildings, of such Rate or Class or respective Rates or Classes of Buildings, upon such Plan and Elevation or respective Plans and Elevations, of such Height or respective Heights, and with such Stories, as the said Commissioners shall think proper, for such Number of Years as they may think fit, and under such Conditions and either at a Rent or without any Rent, but so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent, if any shall be thereby reserved, and also such other Covenants on the Part of the Tenant or Lessee therein to be named, as the said Commissioners shall reasonably advise or require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent (if any) thereby to be reserved, or on Nonperformance of the Covenants therein to be contained on the Part of the Tenant or Lessee to be observed and performed; and the Lessee or Lessees named in each such Lease shall execute a Counterpart thereof; and that on any such Lease the said Commissioners may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease or Leases, on such Terms and Conditions as they may think fit, and on the granting the Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved on such Leases, and may apportion the same, and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased, as they think fit, and may also, as they think fit, alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted, for the Purpose of granting separate Leases of the same Premises, at apportioned Rents, or under different Covenants, or otherwise, in all respects as the said Commissioners shall think fit; and, further, that any Part of the said Ground may be appropriated for Squares, Gardens, or open Places, and any Part thereof may be let for Yards or Courts to be attached to any Houses agreed to be leased, as the said Commissioners shall think fit.

Commissioners may make Agreements for Leases, and accept Surrenders of Leases, &c.

Commissioners to sell the Ground Rents and Reversions to be comprised in such Leases.

LIX. And be it enacted, That, as soon as conveniently may be, and either before or after the Houses, Erections, and Buildings to be erected and built as herein-before is mentioned, or any of them, shall be finished and completed, and either before or after such Leases shall have been granted, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall and they are hereby authorized and required to sell and dispose of, or cause to be sold and disposed of, the Ground Rents to be reserved by the Lease or Demise, or Leases or Demises, in or agreed to be reserved

reserved by any such Agreement as aforesaid, in pursuance of or in consideration of which the same Houses respectively shall have been erected and built, or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in Possession (subject to such Lease or Demise, or Leases or Demises, Agreement or Agreements,) of the Pieces or Parcels of Ground thereby demised or agreed to be demised, and such Houses and other Buildings thereon, either altogether or in Parcels, by public Auction or private Contract, for such Price or Prices or Sum or Sums of Money as the said Commissioners shall think reasonable, and subject to such Stipulations and Provisions as to the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the said Commissioners shall think fit; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the said Commissioners for the Time being, for the Benefit of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the said Commissioners may think fit; and the said Commissioners shall and they are hereby empowered and required, at the Request, Cost, and Charges of the Purchaser or Purchasers of the same Premises respectively, upon Payment of the Sum or Sums of Money agreed to be given for the same respectively to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by any Writing under their Common Seal, to convey and assure the Piece or Parcel of Ground, or Pieces or Parcels of Ground, so purchased by such Purchaser or Purchasers respectively, together with the Houses, Erections, and Buildings then erected and built, or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchaser or Purchasers respectively, his, her, or their Heirs and Assigns respectively, or as he or they respectively shall in that Behalf order or direct, free from all Incumbrances (except the Building Lease or Building Leases, or Agreement or Agreements, to be granted thereof by virtue of this Act), and that all Conveyances and Leases which shall be made as aforesaid pursuant to the Authority hereby in them reposed shall be adjudged sufficient to vest such Estate in the Purchaser or Lessee as shall have been agreed for, or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance or Lease; and every such Lease, Agreement, and Conveyance to be made under the Authority of this Act may be in the Forms or to the Effect as the said Commissioners shall order or direct; and it shall not be necessary that any such Conveyance as aforesaid should be made by Bargain and Sale enrolled, Feoffment, or Lease and Release.

LX. And be it enacted, That it shall be lawful for the said Commissioners to sell and dispose of, in manner and subject as aforesaid, and absolutely to grant and convey, such Part

Commissioners
empowered to
sell any Ground
which may not
be wanted.

Part or Parts of any of the Hereditaments which may be acquired under the Powers of this Act, and which they shall not think proper to let on Building Leases as aforesaid, subject nevertheless to such Stipulations and Conditions as they may think fit; and thereupon the same shall be conveyed and assured by the said Commissioners as they shall think fit.

Purchase Monies and Rents to be applied to any of the Purposes of the Act, or of paying off Charges.

LXI. And be it enacted, That all and every Sum and Sums of Money which shall be received by the said Commissioners from any Sales herein-before directed to be made, or as the Premium on the granting any Building Lease, or which may be received on the rescinding any Contract, or which shall be forfeited in respect of the Nonperformance of any Contract, and all other the Monies (if any) and also the Rents (if any) of all the Hereditaments which may be acquired under or by virtue of this Act, until the same shall be sold, shall (after Payment of the Costs and Expences of the said Sale or Sales, which are hereby directed to be paid thereout,) be applied in or towards any of the Purposes of this Act.

Receipts of Commissioners to be good Discharges to Purchasers, &c.

LXII. And be it enacted, That the Receipts in Writing of the said Commissioners, or any Two of them, for any Monies payable to them under or by virtue of this Act, or the Powers herein contained, shall be good and sufficient Discharges for the same to any Purchaser, Lessee, or other Person paying the same.

Commissioners empowered to raise Money on Mortgage of Premises.

LXIII. And be it enacted, That it shall be lawful for the said Commissioners to raise any Monies which they may think fit, for the Purposes of this Act, by Mortgage of all or any of the Hereditaments to be acquired for the Purposes of this Act, and either before or after the same shall have been acquired; and the Monies so to be borrowed, and the Interest thereof, may be paid off at such Times and in such Manner as the said Commissioners shall agree on, by and out of any of the Monies from Time to Time applicable to the Purposes of this Act; but no such Monies shall be so applicable unless the said Commissioners shall specifically direct the same to be so applied; and every such Mortgage shall be made in such Form as the said Commissioners for the Execution of this Act may direct.

Commissioners of Exchequer Bills may advance Money on Mortgage of Houses, &c.

LXIV. And be it enacted, That it shall and may be lawful to and for the Commissioners for issuing Exchequer Bills for public Works, acting in execution of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, and of several subsequent Acts for amending and extending the same, and they are hereby authorized, to advance and lend to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, any Sum or Sums of Money in Exchequer Bills, on Mortgage of the Hereditaments to be acquired under this Act, and either before or after the same shall have been acquired, and at such Rate of Interest, as the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury as aforesaid, or any Three of them, shall approve and direct.

Security to be given for the Repayment of the Exchequer Bills and Interest.

LXV. And be it enacted, That upon the said Commissioners for the issuing of Exchequer Bills making such Advance to the said Commissioners of Her Majesty's, Woods, Forests, Land Revenues, Works, and Buildings as aforesaid, the said last-mentioned Commissioners shall thereupon convey or agree to

to convey to the Secretary for the Time being of the said Commissioners for the Issue of Exchequer Bills, his Heirs and Assigns, or as the said Commissioners shall direct, all or any Part of the said Hereditaments to be acquired under this Act, as a Security for the Repayment of the Amount of the said Exchequer Bills, with Interest thereon, at such Time or Times as the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury as aforesaid, or any Three or more of them, shall appoint, and any such Loan may be made before the actual Purchase and Acquisition of any such Hereditaments as aforesaid.

LXVI. And be it enacted, That no Purchase, Lease, Agreement for Lease, Sale, or Mortgage, to be made by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be made, except with the Assent in Writing of the Lord High Treasurer of *Great Britain*, or Three of the Commissioners for executing the Office of Lord High Treasurer; but it shall not be necessary for any Purchaser, Mortgagee, or Lessee to ascertain that such Consent has been given as aforesaid, nor shall the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings be bound to produce to any such Purchaser, Mortgagee, or Lessee any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally for any particular Class of Cases, or for any particular Purchase, Lease, Agreement for Lease, or Mortgage, as to the said Lord High Treasurer, or Commissioners for executing the Office of Lord High Treasurer as aforesaid, shall seem meet.

Purchases, Sales, &c. to be made under the Authority of the Treasury.

LXVII. And be it enacted, That the Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or by their Order, or otherwise belonging to and used by them for carrying the Purposes of this Act into execution, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the said Commissioners, in pursuance of the Powers of this Act, shall be vested in the said Commissioners, and they are hereby authorized and empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with Effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb them the said Commissioners, or their Officers or other Persons acting under them, in the Possession thereof.

Materials, &c. vested in the Commissioners.

LXVIII. And be it enacted, That in case any Contract entered into in pursuance of this Act with the said Commissioners for any Purchase or Lease, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed, according to the Intent and Meaning of any Contract or Contracts to be entered into by the

Commissioners may cause Actions to be brought for Breach of Contract.

the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract or Contracts, then and in every such Case the said Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster*, against any such Contractor or Contractors, for any Penalty contained in his Contract; and on Proof of the signing of the said Contract, and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the said Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding; which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the said Commissioners, if they think fit, to compound and agree with any such Contractor, for any Penalty incurred by him for the Breach or Nonperformance of any such Contract, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, or Expenses which shall be occasioned thereby.

Deeds, &c. not
liable to Stamp
Duty.

LXIX. And be it enacted, That no Contract, Conveyance, Lease, Deed, or other Instrument which shall be made, granted, or executed under any Powers or Authorities hereby granted, nor any Contracts or Agreements, Bonds or other Securities, Assignments, Conveyances, or other Deed or Instrument, which shall be made, entered into, or executed by any Person or Persons, to or with the said Commissioners or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

Commissioners
to render an
Account to the
Treasury.

LXX. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall from Time to Time render and give an Account to the Lord High Treasurer, or to the said Commissioners for executing the Office of Lord High Treasurer, of the Amount of all Monies which shall be raised or received by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under or by virtue of the Provisions of the said recited Act of the Second and Third Year of the Reign of Her present Majesty, or by the Sale or Mortgage or from the Rents and Profits of any Houses, Buildings, Lands, Tenements, Rents, or Hereditaments hereby authorized to be sold, mortgaged, demised, or let, or by the Sale of the Materials of any Houses or Buildings to be pulled down and sold as aforesaid, or by any Penalties, Forfeitures, or Fines hereby inflicted or authorized to be imposed, and directed to be paid to the said Commissioners, and of all other Monies which shall be received by them under or by virtue of the Authority of this Act, and of the Application of all such Monies for

for the Purposes of this Act; and the said Lord High Treasurer, or Commissioners for executing the said Office of Lord High Treasurer, or any Three of them, shall be and he and they is and are hereby authorized and required to examine or cause to be examined every such Account, and in case they shall approve thereof to signify such their Approbation at the Foot of such Account, signed by the said Lord High Treasurer, or by the said Commissioners for executing the said Office of Lord High Treasurer, or any Three or more of them, and to transmit and return the same so approved to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and every Account so approved and signed as aforesaid shall be a full and sufficient Discharge to the said Commissioners for or on account of all such Sums of Money as shall be mentioned in such Account, and for the Expenditure and Application thereof; and the said Commissioners shall not be compelled or compellable to give or render any further or other Account of any such Money, or of the Expenditure or Application thereof, any Law, Usage, or Custom to the contrary notwithstanding.

LXXI. And be it enacted, That all Persons who, upon any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Jury, or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Punishing Persons for giving false Evidence.

LXXII. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think

Plaintiff not to recover without Notice or after Tender of Amends.

Limitation of
Actions.

think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

LXXIII. Provided always, and be it enacted, That no Action or Suit shall be brought or prosecuted against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his, her, or their Election, plead specially, or plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants.

For protecting
the Rights of
the Commis-
sioners of
Sewers.

LXXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the City and Liberty of *Westminster* and Part of the County of *Middlesex*, or in the Commissioners of Sewers for the *Tower Hamlets*, and for the Limits of *Holborn* and *Finsbury* Divisions, the Parish of *Saint Leonard Shoreditch* and the Liberty of *Norton Folgate*, in the County of *Middlesex*, and the Borders and Confines of the same, except as herein-before is enacted.

Commissioners
not to be per-
sonally liable.

LXXV. And be it enacted, That nothing in this Act, or in any Conveyance, Contract, Lease, or other Deed or Instrument hereby authorized to be entered into or made by the said Commissioners or any of them, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners or any of them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Conveyance, Contract, Lease, or other Deed or Instrument contained, on the Part of the same Commissioners or any of them, but the Amount of all Costs, Charges, Damages, or Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Conveyance, Contract, Lease, or other Deed or Instrument, or the Covenants, Con-
ditions,

tions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

LXXVI. ' And whereas in making and completing the intended new Thoroughfare or Street herein-before mentioned between the *London Docks* and *Spitalfields Church* it may be found requisite to make a new Thoroughfare or Street between the Entrance to the *London Docks* and the South End of *White Lion Street*, in addition to the present Communication through *Wells Street*; and it is therefore expedient that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should be empowered to purchase any Ground, Tenements, or Hereditaments that may be required for the Purpose of forming and making such new Thoroughfare or Street as aforesaid; be it therefore enacted, That all the Clauses and Provisions herein-before contained for authorizing the said Commissioners to purchase, and all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Tenants for Life or for Years, Guardians, Husbands, Committees, Femes Covert, and all other Trustees and Persons, to contract to sell and convey, the Ground, Tenements, or Hereditaments to be purchased for the Purpose of making the several Alterations and Improvements herein-before mentioned, and for regulating the Payment of the Purchase Money for the same, shall extend and be applicable to any Ground, Tenements, or Hereditaments which the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by and with the Consent and Approbation of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury as aforesaid, shall think expedient or proper to purchase, for the Purpose of making, forming, and completing a new Thoroughfare or Street between the Entrance to the *London Docks* and the South End of *White Lion Street* aforesaid, in such and the same Manner, to all Intents and Purposes, as if all the said Clauses, Provisions, and Regulations were repeated and adapted thereto; provided that nothing herein contained shall authorize or empower the said Commissioners to purchase any Ground, Tenements, or Hereditaments for the Purpose of such new Thoroughfare or Street, against the Consent of the Parties interested therein, and hereby authorized and empowered to contract to sell and convey the same.

Powers of Commissioners to purchase, and of Persons and Bodies to sell and convey, herein-before mentioned, extended to the new Thoroughfare to be made from the *London Docks*.

LXXVII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

The

The SCHEDULE to which this Act refers.

Oxford Street to Holborn.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
130	High Holborn	Duke of Bedford	Lady Saint George, James Webb	James Webb.
131	Ditto	Ditto	George Neighbour	George Neighbour.
132 & 133	Ditto	Ditto	Charles Smith	Charles Smith.
134	Ditto	Ditto	William Spencer	William Spencer.
135	Ditto,	Ditto	Robert Barker	Robert Barker.
and 3	Bloomsbury Court.			
136	High Holborn	Ditto	James North	James North.
137	Ditto	Ditto	Matthew Faulkner	Matthew Faulkner.
138	Ditto	Ditto	John William Willis	John William Willis.
139	Ditto	Ditto	Elizabeth Brooke	Elizabeth Brooke.
140	Ditto	Ditto	Henry Ridley	Henry Ridley.
141	Ditto	Ditto	George James Nodes	George James Nodes.
142	Ditto	Ditto	Henry Hartshorn	Henry Hartshorn.
143	Ditto	Ditto	Richard Priestley	Richard Priestley.
144	Ditto	Ditto	George Baxter	George Baxter.
145	Ditto	Ditto	William Henry Vardy & Co.	William Henry Vardy & Co.
146	Ditto	Ditto	John Stevenson Rogers	John Stevenson Rogers.
1	Lyon Street	Ditto	Joseph Manders, John Temple	John Temple.
2	Ditto	Ditto	Nicholas Wineland	John Atwill.
1	Hyde Street	Ditto	Charles William Hayne	Charles William Hayne.
2	Ditto	Ditto	Thomas Page	Thomas Page.
3	Ditto	Ditto	George Wilkinson	George Wilkinson.
4	Ditto	Ditto	John Repuke	John Repuke.
5	Ditto	Ditto	Charles Robinson	Charles Robinson.
6	Ditto	Ditto	Thomas Tucker	Thomas Tucker.
7	Ditto	Ditto	Samuel Edwards	Samuel Edwards.

8	Ditto	-	-	-	-	Frederick Wiedhofft.
9	Ditto	-	-	-	-	Benjamin Spong.
10	Ditto	-	-	-	-	William Hay.
11	Ditto	-	-	-	-	Anthony Shaw.
12	Ditto	-	-	-	-	Elizabeth Smith.
13	Ditto	-	-	-	-	John Champ.
14	Ditto	-	-	-	-	Elizabeth Kirkbride.
15	Ditto	-	-	-	-	Edward Russell.
16	Ditto	-	-	-	-	John Gillett.
17	Ditto	-	-	-	-	Roger Chidley.
18	Ditto	-	-	-	-	Thomas Parkinson.
19	Ditto	-	-	-	-	Susannah Mason.
20	Ditto	-	-	-	-	William Williams.
21	Ditto	-	-	-	-	Charles Terry.
22	Ditto	-	-	-	-	George Meager.
23	Ditto	-	-	-	-	Richard Dowell.
24	Ditto	-	-	-	-	Ann Clarke.
25	Ditto	-	-	-	-	Joseph Lyne.
26	Ditto	-	-	-	-	Henry Barr.
3	Bury Place	-	-	-	-	William Lee.
52	Museum Street	-	-	-	-	Anthony Shaw.
51	Ditto	-	-	-	-	James Huckman.
50	Ditto	-	-	-	-	James Adrian Dibon.
49	Ditto	-	-	-	-	Benjamin Stephens.
18	Ditto	-	-	-	-	William Birch.
17	Ditto	-	-	-	-	Sarah Keyse.
16	Ditto	-	-	-	-	Charles Foxall.
15	Ditto	-	-	-	-	John G. H. Ronketti.
14	Ditto	-	-	-	-	Elizabeth Clarke.
1	Hart Street	-	-	-	-	Coates and Hodgson.
2	Ditto	-	-	-	-	George Williams.
3	Ditto	-	-	-	-	Charles Farley.
4	Ditto	-	-	-	-	George Knox.
5	Ditto	-	-	-	-	Martha Dutton, G. A. F. Wilks.
6	Ditto	-	-	-	-	John Wright.

Oxford Street to Holborn—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
7	Hart Street	Duke of Bedford	James Donaldson	T. L. Donaldson.
Part of 5	Castle Street	Ditto	Thomas Augustus Mantell	Thomas Augustus Mantell.
5 B.	Ditto	Ditto	Edward Bevan	William Hodgson.
6	Ditto	Ditto	Sir John Jacob Hanaler	Samuel Nelder.
7	Ditto	Ditto	Arthur Keating	Dinah Rock.
8	Ditto	Ditto	Ditto, Thomas Key	Thomas Key.
9	Ditto	Ditto	William Lee, William Chapplow, John Thomas Skinner.	John Thomas Skinner.
10	Ditto	Ditto	Ross Louisa Sturt Grindall, Combe, Delafeld, & Company.	Combe, Delafeld, & Co., William Chapman.
11	Ditto	Ditto	William Cooper	William Cooper.
12	Ditto	Ditto	Keturah Sawkins	Keturah Sawkins.
13	Ditto	Ditto	Frances Jeyes	John Clothier.
21	Duke Street	Ditto	Simon Hart Wynne, Sophia Sarah Wynne, Benjamin Kendall.	Benjamin Kendall.
22	Ditto	Ditto	Simon Hart Wynne, Sophia Sarah Wynne, William Dench.	William Dench.
15	Ditto	Ditto	William Cooper, Joseph Webb	Joseph Webb.
14	Ditto	Ditto	Thomas Budget, James Smith	James Smith.
13	Ditto	Ditto	John Fellowes	Hannah Timson.
12	Ditto	Ditto	Charles Alders	Charles Alders.
11	Ditto	Ditto	Benjamin Kendall	Benjamin Kendall.
2	Thorney Street	Ditto	Frances Dover, Elizabeth Dover, Edward Bell.	Edward Bell.
3	Ditto	Ditto	John Baker, James Alders	James Alders.
4	Ditto	Ditto	Richard Raine, Joseph Fleming	Joseph Fleming, John Cullimore.

16 A. and 1	Charlotte Street,	-	-	Ditto	Eleanor Crawford, Martha Crawford, Louisa Matilda Crawford, John Maclaren.	John Maclaren.
15	Thorney Street. Charlotte Street	-	-	Ditto	Charles Startridge, George D. Dermott.	George D. Dermott.
14	Ditto	-	-	Ditto	John Nokes, Cornelius D'Arcy	John Nokes, Cornelius D'Arcy.
13	Ditto	-	-	Ditto	Daniel White, Jane Newman	Jane Newman.
17	Ditto	-	-	Ditto	G. H. Vandeput	G. H. Vandeput.
18	Ditto	-	-	Ditto	George Wagner	George Wagner.
16 B.	Ditto	-	-	Ditto	Edmund Lucas, George Neighbour, Executors of Francis Hagger.	Joseph Pryor.
12	Ditto	-	-	Ditto	Joseph Pryor. Susannah Langford, Charles Brewster.	Charles Brewster.
11	Ditto	-	-	Ditto	Mr. Shaw	Mr. Shaw.
19, with Premises in George Street be- hind same.	Ditto	-	-	Ditto	William Webber, Alfred Richard Cocker, Commissioners of Police.	Commissioners of Police.
20 1	Ditto Phoenix Street	-	-	Ditto Ditto	P. Bennett Lucas Edmund Lucas, George Neighbour, Executors.	Hunterian School of Medicine. Edmund Boury.
15	Plumtree Street	-	-	Ditto	Edmund Boury.	William Halley.
16	Ditto	-	-	Ditto	Thomas Northwood	Thomas Grant.
17	Ditto	-	-	Ditto	Thomas Grant	William Pritchard,
18	Ditto	-	-	Ditto	Elizabeth Lent, Sarah Lent	Henry William Barrett.
19	Ditto	-	-	Ditto	James Davies, Henry William Barrett.	William Winn.
20	Ditto	-	-	Ditto	W. M. Thiselton, William Winn	William Hopkins.
21	Ditto	-	-	Ditto	Frances Jeyes	John Taylor.
					T. W. Walford, R. C. Walford, N. Rumsey, and L. R. C. Rumsey.	

Oxford Street to Holborn—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
7	Hart Street	Duke of Bedford	James Donaldson	T. L. Donaldson.
Part of 5 5 B.	Castle Street	Ditto	Thomas Augustus Mantell	Thomas Augustus Mantell.
	Ditto	Ditto	Edward Bevan	William Hodgson.
6	Ditto	Ditto	Sir John Jacob Hansler	Samuel Nelder.
7	Ditto	Ditto	Arthur Keating	Dinah Rock.
8	Ditto	Ditto	Ditto, Thomas Key	Thomas Key.
9	Ditto	Ditto	William Lee, William Chappelow, John Thomas Skinner.	John Thomas Skinner.
10	Ditto	Ditto	Ross Louisa Sturt Grindall, Combe, Delafield, & Company.	Combe, Delafield, & Co., William Chapman.
11	Ditto	Ditto	William Cooper	William Cooper.
12	Ditto	Ditto	Keturah Sawkins	Keturah Sawkins.
13	Ditto	Ditto	Frances Jeyes	John Clothier.
21	Duke Street	Ditto	Simon Hart Wynne, Sophia Sarah Wynne, Benjamin Kendall.	Benjamin Kendall.
22	Ditto	Ditto	Simon Hart Wynne, Sophia Sarah Wynne, William Dench.	William Dench.
15	Ditto	Ditto	William Cooper, Joseph Webb	Joseph Webb.
14	Ditto	Ditto	Thomas Budget, James Smith	James Smith.
13	Ditto	Ditto	John Fellowes	Hannah Timson.
12	Ditto	Ditto	Charles Alders	Charles Alders.
11	Ditto	Ditto	Benjamin Kendall	Benjamin Kendall.
2	Thorney Street	Ditto	Frances Dover, Elizabeth Dover, Edward Bell.	Edward Bell.
3	Ditto	Ditto	John Baker, James Alders	James Alders.
4	Ditto	Ditto	Richard Raine, Joseph Fleming	Joseph Fleming, John Cullimore.

16 A. and 1	Charlotte Street, Thorney Street.	-	-	-	Eleanor Crawford, Martha Crawford, Louisa Matilda Crawford, John Maclaren.	John Maclaren.
15	Charlotte Street	-	-	-	Charles Startridge, George D. Dermott.	George D. Dermott.
14	Ditto	-	-	-	John Nokes, Cornelius D'Arcy	John Nokes, Cornelius D'Arcy.
13	Ditto	-	-	-	Daniel White, Jane Newman	Jane Newman.
17	Ditto	-	-	-	G. H. Vandeput	G. H. Vandeput.
18	Ditto	-	-	-	George Wagner	George Wagner.
16 B.	Ditto	-	-	-	Edmund Lucas, George Neigh- bour, Executors of Francis Hagger.	Joseph Pryor.
12	Ditto	-	-	-	Susannah Langford, Charles Brewster.	Charles Brewster.
11	Ditto	-	-	-	Mr. Shaw	Mr. Shaw.
19, with George Street be- hind same.	Ditto	-	-	-	William Webber, Alfred Richard Cocker, Commissioners of Po- lice.	Commissioners of Police.
20	Ditto	-	-	-	P. Bennett Lucas	Hunterian School of Medicine.
1	Phoenix Street	-	-	-	Edmund Lucas, George Neigh- bour, Executors.	Edmund Boury.
15	Plumtree Street	-	-	-	Edmund Boury.	William Halley.
16	Ditto	-	-	-	Thomas Northwood	Thomas Grant.
17	Ditto	-	-	-	Thomas Grant	William Pritchard.
18	Ditto	-	-	-	Elizabeth Lent, Sarah Lent	Henry William Barrett.
19	Ditto	-	-	-	James Davies, Henry William Barrett.	William Winn.
20	Ditto	-	-	-	W. M. Thiselton, William Winn	William Hopkins.
21	Ditto	-	-	-	Frances Jeyes	John Taylor.
		-	-	-	John Taylor	
		-	-	-	T. W. Walford, R. C. Walford, N. Rumsey, and L. R. C. Rumsey.	

Oxford Street to Holborn—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
22	Plumtree Street -	T. W. Walford, R. C. Walford, N. Rumsey, and L. R. C. Rumsey.	John Taylor	Frederick Kendering.
23	Ditto -	Ditto -	Richard Downes	Richard Downes.
24	Ditto -	Ditto -	Joseph Pickard	Joseph Pickard.
19	Broad Street, Saint Giles	Ditto -	James White	James White.
20	Ditto -	Ditto -	James White, William Hughes	William Hughes.
21	Ditto -	Mrs. Arabella Charlotte Dyot Hanmer, Sir John Hanmer, Baronet.	Thomas Ruscoe, Thomas Townend, A. W. Rixon, Mary Mackay, Hugh William Ruel.	Hugh William Ruel.
22	Ditto -	Ditto -	T. Ruscoe, T. Townend, A. W. Rixon, M. Mackay, John Hutley.	John Hutley.
23	Ditto -	Ditto -	T. Ruscoe, T. Townend, A. W. Rixon, M. Mackay, John Cann.	John Cann.
24	Ditto -	Ditto -	T. Ruscoe, T. Townend, A. W. Rixon M. Mackay, Alexander Marshall.	Alexander Marshall.
25	Ditto -	Robert Abraham	-	Thomas Bailey.
33	High Street, Saint Giles	Duke of Bedford	Gilbert McCabe, Jonathan Purchis Paine.	Jonathan Purchis Paine.
34	Ditto -	Ditto -	Eleanor Stanton, Nathaniel Crick	Nathaniel Crick.
35	Ditto -	Francis James Nugee	Eleanor Stanton, Sarah Potter	Sarah Potter.
1	Bainbridge Street	Ditto -	-	John Moriarty.
2	Ditto -	Ditto -	-	Ditto.
3	Ditto -	Ditto -	-	Sir Henry Meux & Co.
4, 5 6	Ditto	Ditto -	-	Gilbert McCabe.

7, 8, 9, 10	Bainbridge Street, and all John's Court.	Francis H. Buckridge	Charles Innis, Richard Langley	Richard Langley.
11	Bainbridge Street	Ditto	Charles Innis	Charles Innis.
12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22	Bainbridge Street, and all Parker's Court.	Ditto	Thomas Parker	Thomas Parker.
35	George Street	Francis H. Buckridge, Thomas Dalrymple Buckridge, Reverend Arthur Buckridge, Mrs. Eliza Buckridge.	Charles Innis	Charles Innis.
34	Ditto	Ditto	Elizabeth Lansdell	Elizabeth Lansdell.
33	Ditto	Ditto	Thomas Fitzgerald	Thomas Fitzgerald.
32	Ditto	Ditto	Sir H. Meux & Co.	Sir H. Meux & Co.
31	Ditto	Francis H. Buckridge	Charles Innis, Combe, Delafield, & Co.	Combe, Delafield, & Co.
30	Ditto	Ditto	Charles Innis	Charles Innis.
29	Ditto	Ditto	Ditto	Ditto.
28	Ditto	Ditto	Ditto	Elizabeth Tunstell.
16	Ditto	Duke of Bedford	Thomas Fitzgerald	Thomas Fitzgerald.
18 B	Ditto	Ditto	George Wagner, Fitzgerald and Gallaker.	John Oliver.
17 B	Ditto (Cooperage)	Ditto	Wadham Wyndham, Lavell, & Co.	Lavell & Co.
1 B	Stone-yard	Robert Abraham Paving Committee of Saint Giles and Saint George Bloomsbury.	Drake	Drake.
1, 2, 3	Church Street, with Tenements behind.	Francis James Nugee	-	Paving Committee of Saint Giles and Saint George, Bloomsbury.
4, 5, 6, 7, 8	Ditto	Ditto	-	Gilbert M'Cabe.
9	Church Street, with Store-houses, &c. behind.	Ditto	-	Mary Kelly.
9	Church Street	Ditto	-	Gilbert M'Cabe.
			-	Calvert & Co., — Davis.

Oxford Street to Holborn—*continued.*

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
22, 23 24, 25, 26	Church Street - - Church Street, and all Johnson's Court at back.	Francis H. Buckridge - Ditto -	Charles Innis, Thomas Grout Charles Innis -	Thomas Grout. Charles Innis.
27, 28, 29 30	Church Street - - Ditto -	Ditto - - Ditto -	Charles Innis, Paddy Marra Charles Innis, Richard Lang- ley.	Paddy Marra. Richard Langley.
1, 2 3, 4 5, 6	Buckeridge Street - Ditto - Buckeridge Street, and all Buckeridge Court.	Ditto - - Ditto - - Ditto -	Thomas Fitzgerald Thomas Kennedy Thomas Scott	Thomas Fitzgerald. Thomas Kennedy. Thomas Scott.
7 8, 9, 10 11, 12, 13	Buckeridge Street - Ditto - Buckeridge Street, and all the Court at back.	Ditto - - Ditto - - Ditto -	John Nevill - John Newton - - -	John Nevill. John Newton. Francis H. Buckeridge.
14, 15 16, 17, 18, 19	Buckeridge Street - Buckeridge Street, and all the Iron Yard and Build- ings at back.	Ditto - Thomas Dalrymple Buck- eridge, Reverend Arthur Buckeridge.	John Corvan - John Corvan - - -	John Corvan. John Corvan.
20, 21, 22 and 8	Buckeridge Street, and all the Court at back.	Ditto -	Thomas Fitzgerald -	Thomas Fitzgerald.
23, 24 and 7	Carrier Street - Buckeridge Street - Carrier Street - Buckeridge Street, with Premises at back in Ivy Street.	Ditto - Ditto - Ditto -	Sir H. Meux & Co. - Charles Innis -	Joseph Banks. Charles Innis.

30	Buckeridge Street	F. H. Buckeridge, T. D. Buckeridge, Rev. A. Buckeridge, Mrs. E. Buckeridge.	Thomas Fitzgerald	Thomas Fitzgerald.
4 Houses in	Ivy Street, with the Houses in Ivy Court.	Ditto	John M'Laren	John M'Laren.
All the Houses in } 9	New Court	Ditto	John Flannigan	John Flannigan.
	Carrier Street	Thomas D. Buckeridge, Rev. A. Buckeridge.	Thomas Parker	Thomas Parker.
5, 6	Ditto	Ditto	Edward Cahill	Edward Cahill.
16, 17, 18,	Maynard Street, with Premises at back.	Francis James Nugee	-	Gilbert McCabe.
19	Maynard Street, with Yard and Clockmaker's Loft.	Ditto	-	Ditto.
1, 2, 3, 4				

<i>Long Acre to Charlotte Street, Bloomsbury.</i>				
94	Long Acre	The Mercers Company	John and James Houlditch	J. & J. Houlditch.
95	Ditto	Ditto	Thomas Priddle, Edmund Staples	Edmund Staples.
96,				
New				
Coach-makers Arms.	Ditto	Ditto	Harvey Coombe, Delafield, & Co.	John Mitchell.
13	Hanover Street	Ditto	John Stainton, Charles Johns	Charles Johns.
14	Ditto	Ditto	Elizabeth Bricheno	John Bowler.
15	Ditto	Ditto	Samuel Snell, Charles Johns	Charles Johns.
16 & 17	Ditto	Ditto	-	John Cooper and Harry Blackford.
Stables, Coach-houses, &c.	Ditto	Ditto	John and James Houlditch	John and James Houlditch.
18, 19, & 20,				
vacant	Ditto	Ditto	Ditto	Ditto.
Ground, and Workshops				

Long Acre to Charlotte Street, Bloomsbury—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
21	Hanover Street	The Mercers Company	Jane Calvert	Unoccupied.
25 & 26	Belton Street	William Willett and John Hedge.	-	William Mortimer.
27	Ditto	Trustees of the Belton Street Estate.	John Williams	John Williams.
28	Ditto	Ditto	Ditto	Ditto.
29	Ditto	Ditto	Ditto	Ditto.
30	Ditto	Ditto	Joseph Fleming	Joseph Fleming and his weekly Tenants.
31	Ditto	Ditto	Ditto	Ditto.
32	Ditto	Ditto	Ditto	Ditto.
33	Ditto	Ditto	Ditto	Ditto.
34	Ditto	William Willett and John Hedge.	-	Charles Murrell.
35	Ditto	Edward Jenkins	Richard Wilson	Simon Willament.
36	Ditto	James Bethell	-	Maria Rolfe.
37	Ditto	James Kingsmill	-	Thomas Edwards.
38	Ditto	Sir Peter Laurie	-	— Crawford.
39	Ditto	James Atkinson	Richard Ellem, Jacob Levy	Jacob Levy.
40	Ditto	Ann Fryett, William Priest, Executors of William Fryett.	James Jones	Henry Levien.
41	Ditto	Ditto	Ditto	James Jones.
13	Castle Street	Richard Hampson	Ditto	Ditto.
12	Ditto	Ditto	-	John Oliver.
11	Ditto	Mercers Company	John Fox	John Wilson.
12	Ditto	Ditto	Ditto	Ditto.
1	Brownlow Street	Judith Hunt	Richard Ellem, Ann Leathers	Ann Leathers.

2	Ditto	-	-	-	-	-	Esther Cooke, and Maria Ann Cooke. Charles Collinge, Elizabeth Collinge.	-	-	-	-	Esther, Sarah, and M. A. Cooke.
38	Ditto	-	-	-	-	-	Sir Peter Laurie	-	-	-	-	William Martin.
39	Ditto	-	-	-	-	-	Ditto	-	-	-	-	— Crawfield.
40	Ditto	-	-	-	-	-	Thomas Carter	-	-	-	-	Rebecca Kempton.
40	Broad Street	-	-	-	-	-	Z. Uwins	-	-	-	-	David Healey.
39	Ditto	-	-	-	-	-	William Grimstone	-	-	-	-	William Grimstone.
Piece of Ground.	Ditto	-	-	-	-	-	Fergus Ferguson Mac- gregor.	-	-	-	-	Ditto.
38	Ditto	-	-	-	-	-	William Tuppen	-	-	-	-	F. F. Macgregor.
37	Ditto	-	-	-	-	-	George Berry Pritchard	-	-	-	-	James M. Chamberlin.
36, 35½, and	Ditto	-	-	-	-	-	Henry Pritchard	-	-	-	-	Marmaduke Drake.
1 & 2	Middle Row	-	-	-	-	-	Samuel Francis	-	-	-	-	Susannah Apted.
35	Broad Street	-	-	-	-	-	Thomas Wilde	-	-	-	-	John Stanley.
and	Middle Row	-	-	-	-	-	Ditto	-	-	-	-	John Henry Martin.
3	Broad Street	-	-	-	-	-	Ditto	-	-	-	-	Unoccupied.
34	Ditto	-	-	-	-	-	Ditto	-	-	-	-	William Henry Wiggins.
33	Ditto	-	-	-	-	-	George Berry Pritchard, Henry Pritchard.	-	-	-	-	William Grimstone.
32	Ditto	-	-	-	-	-	Thomas Carter	-	-	-	-	Mary Kinsmill.
and	Ditto	-	-	-	-	-	Devises of the late Mrs. Mary Warner.	-	-	-	-	William Walsh.
4	Middle Row	-	-	-	-	-	William Walsh	-	-	-	-	John Belliston.
31	Broad Street	-	-	-	-	-	Ditto	-	-	-	-	William Walsh.
1	Bowl Yard	-	-	-	-	-	Ditto	-	-	-	-	Margaret Connell.
2	Ditto	-	-	-	-	-	Ditto	-	-	-	-	William Walsh.
3	Ditto	-	-	-	-	-	George Berry Pritchard, Henry Pritchard.	-	-	-	-	
4	Ditto	-	-	-	-	-	Thomas Carter	-	-	-	-	
5	Ditto	-	-	-	-	-	Devises of the late Mrs. Mary Warner.	-	-	-	-	
6	Ditto	-	-	-	-	-	William Walsh	-	-	-	-	
7	Ditto	-	-	-	-	-	Ditto	-	-	-	-	

Long Acre to Charlotte Street, Bloomsbury—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
8	Bowl Yard	Mary Pills	Sarah Davis	Sarah Davis.
1	Vinegar Yard	George William Knight	-	Robert Loder.
2	Ditto	Durham.	-	Ann Rowley.
3	Ditto	Ditto	-	Ditto.
4	Ditto	Elizabeth Stevens	-	Robert Charles Surgeon.
5	Ditto	Ditto	-	Ditto.
6	Ditto	Ditto	-	Ditto.
8	Short's Gardens	Elizabeth Gunston	-	John Ryan.
9	Ditto	Ditto	-	Ditto.
Smith's Shop.	Mountain Yard	William Willett and J. Hedges.	-	— Mason.
3-Stall Stable, Work-shop, and Carhouse.	Ditto	Ditto	-	— Shaw.
2 Work-shops.	Ditto	Ditto	-	— Keafort.
Stable and Carhouse.	Ditto	Ditto	-	— Laycock.
Carhouse.	Ditto	Ditto	-	— Gurling.
Ditto	Ditto	Ditto	-	H. F. Ebert.
2 Stables	Ditto	Ditto	-	— Bradley.
1 Stable	Ditto	Ditto	-	— Mitchard.
1 Stable	Ditto	Ditto	-	— Blackburn.
Carhouse	Ditto	Ditto	-	— Clayfield.
Ditto	Ditto	Ditto	-	William Juggins.
Ditto	Ditto	Ditto	-	P. Brookery.

Stable and Coach-house, Stable, Ditto, Carthouse.	Ditto	-	-	-	Ditto	-	-	-	-	Unoccupied.
5	Middle Row	-	-	-	Thomas Fitzgerald	-	-	-	-	James Tapp.
6	Ditto	-	-	-	George Phillips	-	-	-	-	S. Buckingham.
7	Ditto	-	-	-	James	-	-	-	-	John William Hutley.
8	Ditto	-	-	-	Ditto	-	-	-	-	Edward Stimpson.
1	King Street	-	-	-	Thomas Fitzgerald	-	-	-	-	William Barnes.
2	Ditto	-	-	-	Freeholders unknown	-	-	-	-	James Tapp.
3	Ditto	-	-	-	Ditto	-	-	-	-	Robert Day.
4	Ditto	-	-	-	Ditto	-	-	-	-	Stephen Broad.
5	Ditto	-	-	-	Lady Holly's School (Trustees of).	-	-	-	-	Gammage & Mott.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10	Salutation Court	-	-	-	John William Burton Wilkins.	-	-	-	-	Thomas Grout and others his weekly Tenants.

London Docks to Spitalfields Church.

81	Cable Street, and One Tenement at Back in Mill Yard.	-	-	-	Edward Curlton	-	-	-	-	William Sowerby.
77	Rosemary Lane	-	-	-	John Smith	-	-	-	-	Woolf Harris.
78 & 79	Ditto	-	-	-	George Bickerton Rudge, Arthur Jeffery Rudge (Trustees).	-	-	-	-	Edward Hall.
80	Ditto	-	-	-	William George Carter	-	-	-	-	William John Bassett.
81	Ditto	-	-	-	Ditto	-	-	-	-	Lawrence Opperman.
82	Ditto	-	-	-	Ditto	-	-	-	-	John Raymer.
83	Ditto	-	-	-	Ditto	-	-	-	-	George Barlow.

London Docks to Spitalfields Church—*continued.*

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
1, 6, 7	Hawkin's Court, and vacant Ground.	London and Blackwall Railway Company.	-	Let in Tenements.
1	White Lion Street	George Bickerton Rudge	-	Jonathan Ward.
2	Ditto	William Straw	-	William Ballantyne.
3	Ditto, and vacant Ground.	London and Blackwall Railway Company.	-	William Jones.
7	White Lion Street	Daniel and Peter Cloves	-	John Godwin.
19	Ditto	London and Blackwall Railway Company.	-	Robert Johnstone.
92	Leman Street	Griffith Thomas (Trustee)	-	Thomas Dryden.
93	Ditto	Ditto	-	William Straw.
1	Leman Row	Joseph Stiles	-	John Andreas Becker.
2	Ditto	William Esau	-	Richard Cramond.
53	Great Alie Street	Edward Hawkins	-	Thomas Bedwell.
34	Little Alie Street, and Factory and Yard.	Ditto	-	John Howard.
20	Red Lion Street	Joseph Pedley	-	Mark Edward Coleman.
21	Ditto	Trustees of the late James Dryland.	-	John Gillespey.
22	Ditto	Ditto	-	James Alling.
23	Ditto	Ditto	-	William Cox.
24	Ditto	Samuel Rust, Jane Tebb Rust.	-	Henry Peake.
25 & 26	Ditto	Ditto	-	Unfinished.
27	Ditto	Ditto	-	William Carpenter.
28	Ditto	Ditto	-	Abel Gibbons.
29	Ditto	Ditto	-	Unoccupied.
30	Ditto	Ditto	-	Benjamin Muckley.
			Stokeham, Houthwaite, and Eveist	

31	Ditto	-	-	Ditto	-	-	-	Benjamin White.
32	Ditto	-	-	Ditto	-	-	-	Thomas Webb.
33	Ditto	-	-	Ditto	-	-	-	Joseph Keeble.
34	Ditto	-	-	Ditto	-	-	-	Catherine Cockburn.
35	Ditto	-	-	Edward Hawkins	-	-	-	Elizabeth Daters, John Howard.
1	Buckle Street	-	-	Samuel Rust, Jane Tebb Rust.	-	-	-	Charlotte Soares.
2	Ditto	-	-	Ditto	-	-	-	Unoccupied.
1	Colchester Street	-	-	Ditto	-	-	-	Abel Gibbons.
32	Whitechapel High Street	-	-	Joseph Pedley	-	-	-	Packman & Bacon.
33 & 33½	Ditto	-	-	Samuel Pedley	-	-	-	John Carter.
	Yard, Stabling, &c., with Entrance in Red Lion Street.	-	-	Ditto	-	-	-	William Cox, Horatio Field, James Dryland.
	Part of Stable on the East Side of Kent and Essex Yard.	-	-	James Gingell	-	-	-	James Gingell.
109	Whitechapel High Street	-	-	Trustees of the Whitechapel Charity Estates.	-	-	-	J. Aldington Perry.
108	Ditto	-	-	Samuel and Jos. Pedley	-	-	-	Joshua Poland.
107	Ditto	-	-	Ditto	-	-	-	George Arnold and Son.
106	Ditto	-	-	John Livermore	-	-	-	Thomas and John Venables.
1	Essex Street, Warehouse and Stable.	-	-	James Wilcox	-	-	-	James Fraser.
2	Essex Street	-	-	John Barnes	-	-	-	Ty McCarthy.
3	Ditto	-	-	Ditto	-	-	-	Christian Sohng.
4	Ditto	-	-	Ditto	-	-	-	Ditto.
4	Ditto	-	-	Ditto	-	-	-	William Gilzean.
6	Ditto	-	-	Ditto	-	-	-	Daniel Sullivan.

London Docks to Spitalfields Church—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
7	Essex Street -	John Barnes	-	Unoccupied.
7	Ditto -	Robert Ross, Thomas Weston, John Finney.	Henry Ficken -	Henry Ficken.
8	Ditto -	Ditto -	Ditto -	Ditto.
9	Ditto -	Ditto -	Messrs. Goding & Co. -	William Cordell.
and 7	Rose and Crown Court.			
12	Essex Street -	John Livermore	Jane Dyke -	Catherine Sullivan.
13	Ditto -	Ditto -	Ditto -	Robert Cornelius.
14	Ditto -	Ditto -	Ditto -	William Sawyer.
15	Ditto -	Ditto -	Ditto -	Jane Dyke.
16	Ditto -	Ditto -	Ditto -	Ditto.
17	Ditto -	Ditto -	Ditto -	Daniel Donovan.
18	Ditto -	Sarah Rainbow	-	William Bowden.
19	Ditto -	Ditto -	-	Ditto, Daniel Donovan.
	Moor's Court.			
20	Essex Street -	Ditto	-	William Bowden.
21	Ditto -	John Livermore	Jane Dyke -	George Patten.
22	Ditto -	Ditto -	Ditto, Henry Lloyd -	Henry Lloyd.
23	Ditto -	Ditto -	Jane Dyke -	George Patten.
24	Ditto -	Ditto -	Ditto -	John Rowe.
25	Ditto -	Ditto -	Ditto -	Thomas Willocks.
30	Ditto -	Ditto -	Samuel Beale -	Samuel Beale.
31	Ditto -	Ditto -	Ditto -	Ditto.
32	Ditto -	Ditto -	Ditto -	Ditto.
33	Ditto -	Ditto -	Ditto -	Ditto.
2	Ditto -	Thomas Curtis, John Matthew Lambert, Executors of John Lambert.	-	Jeremiah Howard.

3	Ditto	-	-	-	-	Robert Pring Snell	-	James Osborne. Robert Pring Snell.
9	Ditto, and back Premises, and Four Houses in Greig's Court, with the vacant Ground between them.	-	-	-	-	-	-	-
4	Essex Street	-	-	-	-	Thomas Hatchett	-	John Reiser.
3	Ditto, and Tenement in Copley's Court.	-	-	-	-	Henry Robinson, Executor of John Radford.	-	Samuel Henry Franks.
2	Essex Street	-	-	-	-	Ditto	-	William Woolf.
1	Ditto	-	-	-	-	Ditto	-	Mary Donovan.
	House, Counting-house, Yards, Stables, Outbuildings, &c.	-	-	-	-	Thomas Copley junior	-	Thomas Copley jun.
14	Essex Street	-	-	-	-	Ann Apphold	-	John Price.
3	Ditto	-	-	-	-	Ditto	-	David Fretfull.
2	Ditto	-	-	-	-	Ditto	-	Owen McCarthy.
	House, Yard, Outbuildings, Stabling, &c.	-	-	-	-	Ditto	-	Thomas Copley junior.
8	Essex Street	-	-	-	-	James Billingsay	-	David Burk.
9	Ditto	-	-	-	-	Ditto	-	Mary Donovan.
10	Ditto	-	-	-	-	Ditto	-	Andrew Mackintosh.
7	Ditto	-	-	-	-	Ditto	-	James Scouse.
1, 2, 3, 4, 5, 6, 7, 8	Catherine Wheel Court	-	-	-	-	Ditto	-	Moss Woolf (and let in Tenements).
1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18	Rose and Crown Court	-	-	-	-	John Barnes	-	Let in Tenements.
7	Ditto	-	-	-	-	Robert Ross and others	-	William Cordell.
1	Martin's Court	-	-	-	-	Thomas Brushfield	-	Patrick Quinlan.

London Docks to Spitalfields Church—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
2, 3, 4, 5, } 6, 13, 14, } 15, 16, 17, } 18, 19, 20, } 21, 22 }	Martin's Court	Thomas Brushfield	-	Let in Apartments.
7, 8, 9, 10, } 11, 12 }	Ditto	Ann Camman	-	Ditto.
1, 2, 3, 4, } 5, 6, 7, 8, } 9, 10, 11, } 12 }	Moor's Court	Sarah Rainbow	-	William Bowden, let in Tenements.
1	Essex Court	John Livermore	Jane Dyke	Ann Carney.
2, 3, 4, 5, } 6, 7, 8, 9, } 2	Ditto	Ditto	Ditto	Let in Tenements.
	Cobley's Court	Henry Robinson, Executor of John Radford.	Thomas Cobley senior	William Steel.
3	Ditto	Ditto	Ditto	Patrick Collins.
4	Ditto	Ditto	Ditto	James Champion.
5	Ditto	Ditto	Ditto	John Cozens.
6	Ditto	Ditto	Ditto	James Beavan.
7	Ditto	Ditto	Ditto	Jos. Perry.
8	Ditto	Ditto	Ditto	Mary Hurley.
9	Ditto	Ditto	Ditto	George Danworth.
10	Ditto	Ditto	Ditto	John Smith.
11	Ditto	Ditto	Ditto	Robert Webb.
12	Ditto	Ditto	Ditto	Donald Macarthy.
1, 2, 3, 4, } 5, 6, 7 }	Chapel Court	Thomas Hatchett	-	Unoccupied.

1	Greig's Court	-	Executors of John Lambert	-	-	-	James Higgins.
2, 3, 4, 5, } 6, 7, 8, 9 }	Ditto	-	Ditto	-	-	-	Let in Tenements.
1, 2, 3, 4, } 5, 6, 7, 8, } 9, 10, 11, } 12, 13, 14 }	Elger Square	-	John Livermore	-	-	-	Samuel Beale, let in Tenements.
1, 2, 3	Elger Place	-	Ditto	-	-	-	William Bowden, Florence McCarthy.
	Part of a Lead Manufactory, Two small Dwelling Houses, Counting-house, Yards, &c. in Wentworth Street	-	John Coope	-	-	-	Thomas Maltby.
108, and Tenement at Back.	Wentworth Street	-	C. Pell	-	-	-	Thomas Hewitson.
107	Ditto	-	Ditto	-	-	-	Thomas Hewitson, Jeremiah Howard.
106	Ditto	-	Ditto	-	-	-	Jeremiah Howard.
105	Warehouse behind 106	-	Ditto	-	-	-	William Thomas N. Smith.
104	Wentworth Street	-	Ditto	-	-	-	Thomas Hurst.
	Ditto	-	Ditto	-	-	-	James Morrett, Thomas Hurst.
39	Ditto	-	Sir Thomas Andrew Strange and Richard White, Trustees of the Keate Estate.	-	-	-	Benjamin Boycott.
		-	Ditto	-	-	-	
40	Ditto	-	Ditto	-	-	-	Ditto.
41	Ditto	-	Ditto	-	-	-	James Jude.
44	Ditto	-	William Gover	-	-	-	Thomas Moore.
45	Ditto	-	Ditto	-	-	-	Ditto.
	Premises at Backs of 44 and 45, formerly a Malt Manufactory.	-	Ditto	-	-	-	Unoccupied.

London Docks to Spitalfields Church—*continued.*

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
1, 2, 3, 4	Gateway and Yard, Tenement and Slaughtering house, extending to Factory Court, and behind same.	Ruth Gordon	John Samms, William Ayton, Executors of John Morris. George Reeves Cock	George Reeves Cock.
1	Magpie Court	Trustees of the Keate Estate.	Henry Moller	Let in Tenements.
22	Westminster Hall Court	John Elger	Henry Moller, Benjamin Boycott	Ditto.
23	Ditto	Trustees of the Keate Estate.	Henry Moller	Benjamin Boycott.
24, 25, 26	Ditto	Ditto	Henry Moller	Isaac Lester.
27, 28	Ditto	Ditto	Ditto	Ditto.
29	Ditto	Ruth Gordon	James Dickens, Joseph Messer	John Spooner.
30	Ditto	Trustees of the Keate Estate.	Ann Sheen.	Ann Sheen.
31	Ditto	Ruth Gordon	George John Dickens, Joseph Messer.	Joseph Messer.
32	Ditto	Trustees of the Keate Estate.	James Dickens, Joseph Messer	Joseph Messer.
33	Ditto	Ruth Gordon	George John Dickens, Joseph Messer.	Ditto.
34	Ditto	Trustees of the Keate Estate.	Henry Lumley	George J. Nicholson.
35	Ditto, Tenement used with Orchil Manufactory, and extensive Back Yard extending back to Manufactory.	Ruth Gordon	Archibald Bryson, George J. Nicholson.	Ditto.

35	Rose Lane, Entrance to Orchil Manufactory.	Archibald Bryson	George J. Nicholson	George J. Nicholson.
36	Rose Lane	John Letson Elliot	-	John Hart, Thomas Sander- son.
37	Ditto	Ditto	-	John Hart, James Morris.
38	Ditto	Augustine Tuson	-	Joseph Tuson.
39	Ditto	James Dalkers	-	Matthias Powell.
41, 42, 43	Ditto	Trustees of the Keate Estate.	Thomas and Mary Matthews, Farinton Stephens.	Farinton Stephens.
44	Ditto	Ditto	Farinton Stephens	Samuel Drawater.
45, 46	Ditto	Ditto	Ditto, Thomas Henry Parr	Thomas Henry Parr.
1	Ditto	William Thompson Rawes, George Smith, James Bate, Trustees of the Palmer Estate.	John Torey, Robert Hooper	John Torey.
2	Ditto	Ditto	Farinton Stephens	Farinton Stephens.
3	Ditto	Ditto	Daniel Sherman	John Clifford.
4, 5	Ditto, and Tenements in Yard.	Ditto	Farinton Stephens	Farinton Stephens.
6, 7	Ditto	Ditto	Daniel Sherman	Daniel Sherman.
8	Rose Lane	Ditto	Morris Myers	Matthias Powell.
9, 10	Ditto, and Tenements in Yard.	Ditto	Ditto	Ditto.
12, 13	Ditto	Ditto	Ditto	Thomas Sanderson.
14, 15	Rose Lane	Ditto	Ditto	Morris Myers.
16	Ditto	Ditto	Ditto	Thomas Sanderson.
	Warehouses, Yards, Dwell- ing Houses, &c. in Rose Lane.	Ditto	Ditto	Morris Myers.
17, 18	Rose Lane, with Ware- houses, &c., and Gate- way at the next Number, and the Premises at Back of these and others.	Ditto	-	Ditto.
1, 2	Factory Court	Ruth Gordon	-	John Spooner senior.

London Docks to Spitalfields Church—continued.

Number of House.	Situation.	Freeholders.	Leaseholders.	Occupiers.
	Yards, Sheds behind Factory Court, extending to Lower Keate Street.	Ruth Gordon	John Storey	John Storey.
1	Flower and Dean Street	James Daikers	-	Matthias Powell.
6	Keate Court	Trustees of the Keate Estate.	Joshua Vines	Joshua Vines.
1	Fashion Street	Ditto	Farinton Stephens	Walker Baxter.
14	White's Row, including Premises extending down Rose Lane.	Trustees of the Palmer Estate.	John Torey, David Rachael Robinson.	David Jones, Rachael Robinson.
13, 12	White's Row	Ditto	John Torey	John Torey.
14	Ditto, extending over Gateway into Shepherd Street, and extending down said Street.	Ditto	Thomas Stamford	Thomas Stamford.
16	White's Row, extending over Gateway into Shepherd Street, and extending down said Street.	David Gill	John Law	George Gilbert.
17	Ditto	George Bayley	-	George Jeremiah Mercer.
18	Ditto	William Glenny	William Courtauld	William Courtauld.
38	Shepherd Street	Trustees of the Palmer Estate.	John Torey	George King.
39	Ditto	Ditto	Ditto	George Richards.
1	Ditto, and Rope Walk at Backs of Houses in Rose Lane, &c.	Ditto	Thomas Allen	Ann Brooks.
1	Elizabeth Court	David Gill	John Law	Arthur Johnson.

2	Ditto	-	-	-	Ditto	-	-	Mary Elliott.
3	Ditto	-	-	-	Ditto	-	-	James Cornell.
4	Ditto	-	-	-	Ditto	-	-	William Brownutt.
5	Ditto	-	-	-	Ditto	-	-	Henry Morris Gilson.
1	Red Lion Street, Factory, &c.	-	-	-	Ditto	-	-	John Law.
2	Red Lion Street	-	-	-	Henry Douglass Law.	Alston, John	-	Ditto.
3	Ditto	-	-	-	Ditto	-	-	Ditto.
4	Ditto	-	-	-	John Law	-	-	Solomon Selig.
5	Red Lion Street, and Tenement, No. 1, in Ireland Court.	-	-	-	William Lusignea	-	-	George William Smith.
6	Red Lion Street	-	-	-	Ditto	-	-	Henry Ketteman.
7	Ditto	-	-	-	-	-	-	Unoccupied.
8	Ditto	-	-	-	William Saint Leger	-	-	William Saint Leger.
9	Ditto	-	-	-	Elizabeth F. Ireland and Son	-	-	William Naish.
	Gateway, Yard, Stabling, &c.	-	-	-	Ditto	-	-	E. F. Ireland and Sons.
	Part of Schoolhouse, Yard, &c.	-	-	-	Parish of Christchurch, Middlesex	-	-	Parish of Christchurch, Middlesex.
10	Red Lion Street	-	-	-	E. F. Ireland and Sons	-	-	William Grout.
11	Ditto	-	-	-	Ditto, William Naish	-	-	William Naish.
	Spitalfields Watchhouse or Police Station.	-	-	-	-	-	-	Parish of Christchurch.
	Other Part of Schoolhouse.	-	-	-	Ditto	-	-	Ditto.
2	Ireland Court	-	-	-	William Lusignea	-	-	William Lusignea.
3	Ditto	-	-	-	Ditto	-	-	Daniel Riordan.
4, 3, 4, 5	Ditto	-	-	-	Ditto	-	-	William Lusignea.
	Old Silk Factory	-	-	-	Ditto	-	-	Ditto, Daniel Mason.

CAP. LXXXVIII.

An Act to amend the Act for the Establishment of County and District Constables. [7th August 1840.]

2 & 3 Vict. c. 93.

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace*; and it is expedient to make additional Provisions for facilitating the Execution thereof, and otherwise to amend the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse, or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of the Police established under the Provisions of the said Act; provided that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not more than Five Pounds; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Horses, &c. in the Service of the Police exempted from Toll.

Outlying Districts may be transferred from one County to another.

II. And whereas by the said Act it is provided, that for the Purposes of the said Act, all detached Parts of Counties shall be considered as Part of that County by which they are wholly or partly surrounded: And whereas many populous Towns are situated in more than One County; and also the Boundary of many Counties is so irregular that Parts thereof, although not wholly separated from the main Body of the County, may yet be more conveniently united, for the Purposes of the said Act, with some neighbouring County: Be it enacted, That it shall be lawful for the Justices of any Two or more neighbouring Counties, in their several General or Quarter Sessions assembled, from Time to Time to agree that such Parts of their several Counties as to them shall seem fit shall, for the Purposes of the said Act, be considered as forming Part of any other of the said Counties; and whenever any such District shall be so transferred, for the Purposes of the said Act, from One County to another, with the Consent of the Justices of both the last-mentioned Counties, such District shall be considered, for the Purposes of the said Act, as if it were detached from the County to which it belongs, and wholly surrounded by the County to which it is so transferred; and all the Provisions contained

contained herein or in the said Act, or in an Act passed in the last Session of Parliament, intituled *An Act for the better Administration of Justice in detached Parts of Counties*, respecting detached Parts of Counties, shall be taken to apply to such transferred Districts.

2 & 3 Vict. c. 82.

III. And be it enacted, That so much of the first-recited Act as provides that the Expences of putting the said Act in execution shall be paid out of the County Rate shall be repealed; and that, for the Purposes of defraying the Expences of the said Act in any County in which, or in any Part of which, the said Act shall be put in force, the Justices of such County in General or Quarter Session assembled shall make a fair and equal Police Rate, and for that Purpose shall assess and tax the whole District for which the Constables are appointed rateably and equally, according to a certain Pound Rate of the full and fair annual Value of all Messuages, Lands, Tenements, and Hereditaments liable to the County Rate, or which, if the whole of the said District were to all Intents and Purposes within their County, would be liable to the County Rate therein, including all detached Parts of other Counties, and also all Liberties and Franchises (except as herein-after excepted) which are locally situated in such County, or wholly or partly surrounded by such County, and declared by the said Act to be considered as forming Part of such County for the Purposes of the said Act, but excluding all detached Parts of the said County, all Parts of the County contributing to the Police Rate of any other County or to the Metropolitan Police Rate, and all incorporated Boroughs which are or shall be within the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty for regulating Corporations, or of any Charter granted in pursuance of the last-recited Act, or of any Act made for the Amendment thereof, and all those Towns and Places for which Constables or Watchmen shall have been appointed under the Act passed in the Fourth Year of His late Majesty making Provisions for the lighting and watching of Parishes in *England* or *Wales*, or under any Local Act authorizing the Appointment of Constables or Watchmen in any Town or Place, and authorizing Rates to be made for defraying the Expences of such Constables or Watchmen, and shall not be discontinued before the passing of this Act, until they shall be discontinued, or until the Chief Constable of the County within which, for the Purposes of this and the said first-recited Act, such Parish, Town, or Place is situated, shall have notified, as he is herein-after empowered to do, that he is ready to undertake the Charge of such Parish, Town, or Place: Provided always, that all Expences of putting the said Act in execution before the passing of this Act shall be paid out of the County Rate as if this Act had not been made.

So much of first-recited Act as directs the Expences to be paid out of the County Rate repealed; and Justices in General or Quarter Sessions to make a Police Rate.

IV. And be it enacted, That the Value of all Property rateable for the Purposes of the said Act shall be computed by the said Justices according to the last Valuation for the

How Property rateable is to be valued.

Time being acted upon in assessing the County Rate or Liberty Rate, or Rate in the Nature of a County Rate (if any), to which such Property is rateable, unless, in the Case of any Liberty or Franchise or detached Part of any County, the Justices of the County in which such Liberty or Franchise or detached Part is situated shall be dissatisfied with such Valuation.

Police Rate
to be levied
with the
County Rate.

V. And be it enacted, That every Police Rate which the Justices shall have made as aforesaid shall be collected in their County from the Persons who are liable to contribute thereunto with and as Part of the County Rate; and the Warrants issued by the Justices to the High Constables, and by the High Constables to the Overseers and others required to collect the County Rates, shall distinguish between the Rates to be levied from those Places which are liable to the Police Rate in that County and those which are not liable thereunto, and shall state how much is levied for the County Rate, and how much for the Police Rate, and the said Rates shall be levied accordingly.

Contributions
on account of
Liberties and
detached Parts
of Counties.

VI. And be it enacted, That it shall be lawful for the Justices of any County in General or Quarter Session assembled, for the Purpose of obtaining the Sum which ought to be contributed from any detached Part of any other County, or any Liberty or Franchise not contributing to the County Rate of such first-mentioned County, towards any such Police Rate, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Treasurer of the County to which such detached Part belongs, or the Treasurer or other Person (if any) having the Receipt of any Liberty Rate, or Rate in the Nature of a County Rate levied within such Liberty, to pay to the Treasurer of such first-mentioned County, out of the Monies collected by way of County Rate, Liberty Rate, or Rate in the Nature of a County Rate, the Amount mentioned in the Warrant; and that the Person to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to him, pay the Amount to the Treasurer of the County from which such Warrant shall have issued, and shall be allowed for the same in his Accounts with his County or Liberty; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed.

How Treasurer
of such other
County or Li-
berty shall be
reimbursed.

VII. And be it enacted, That, for the Purpose of reimbursing the Treasurer or other Person by whom any such Sum shall have been paid, the Justices of the County to which such detached Part belongs, or of the Liberty or Franchise, as the Case may be, shall order a Police Rate to be made, at the Rate mentioned in the Warrant, upon such detached Part of their County, or upon such Liberty or Franchise respectively, which shall be levied and collected thereon with and as Part of the County Rate, Liberty Rate, or Rate in the Nature of a Liberty Rate, to which such detached Part of a County

County or such Liberty or Franchise is liable, in like Manner as the Police Rate is levied and collected by Order of the Justices of any County for the Expences of the Police of their own County.

VIII. And be it enacted, That if Payment shall not be made within the said Forty Days, according to the Exigency of the Warrant, or if there shall be no Person to whom such Warrant can be directed, or no County Rate, Liberty Rate, or Rate in the Nature of a County Rate, to which the Inhabitants of such Liberty or detached Part of another County contribute, or if the Justices of the first-named County shall be dissatisfied with the Valuation upon which such Rate was assessed, or if, for any other Reason, it shall seem more convenient to the Justices of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Rate upon any such detached Part of another County or Liberty or Franchise in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Rates the Justices of such first-mentioned County shall have, within every such detached Part of another County and within every such Liberty and Franchise respectively, the same Powers which they have for levying and collecting County Rates within the Limits of their own Commission; and such Rates may be levied and collected by the like Methods, and subject to the same Right of Appeal, as if such detached Parts of another County or such Liberty or Franchise respectively were Part of such first-mentioned County, and within the Hundred, Wapentake, Ward, Rape, Lathe, or such other Division of the County in which they are locally situated, or, if not wholly lying in One Hundred, Wapentake, Ward, Rape, Lathe, or such other Division, in that One with which they have the longest common Boundary respectively; and the High Constable of every such Hundred, Wapentake, Ward, Rape, Lathe, or such other Division, on the Receipt of a Warrant to that Effect under the Hands of Two or more of the said Justices, shall collect the said Rates; and the Overseer of the Poor, or in default of Overseers, or in case there shall be no separate Rate for the Relief of the Poor in any Portion of such detached Part or Liberty or Franchise, such Person or Persons as the Justices of the first-mentioned County in Quarter Session assembled shall appoint for that Purpose in every Parish and Place to which such detached Parts or Liberty or Franchise, or any Part thereof, belong, upon Receipt of a Warrant to that Effect from such High Constable, shall pay the Amount assessed upon their Parish or Place respectively, or upon that Part of it which is liable thereunto, in like Manner, and subject to the like Penalties in case of Default, as if such detached Parts or Liberty or Franchise were Part of such first-mentioned County, and within such Hundred, Wapentake, Ward, Rape, Lathe, or other Division as aforesaid respectively.

In case of Default, or for other good Cause, the Amount may be levied on the Inhabitants.

IX. And

Right of inspecting County and Liberty Rates.

IX. And be it enacted, That the Treasurer of any County, or any Person having an Order for that Purpose under the Hand of such Treasurer, may inspect any County Rate made or to be made for any other County or Liberty or Franchise the Inhabitants of any Part of which shall be liable to be rated to the Police Rate in the first-named County, and may also inspect any Returns concerning all or any of the Parishes, Townships, Precincts, and Places whether parochial or extra-parochial, the Inhabitants of which are liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to County Rates, and may take Copies or Extracts from any such Rates or Returns, without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Treasurer or other Person authorized as aforesaid to inspect the same, or to take Copies or Extracts from the same, within Two Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum not exceeding Ten Pounds as they shall think meet.

Superannuation Fund to be provided for Constables.

X. And be it enacted, That there shall be deducted from the Pay of every Constable belonging to the Police Force established in any County under the first-recited Act a Sum after such yearly Rate as the Justices of the County in General or Quarter Session assembled shall direct, not being a greater Sum than Two Pounds Ten Shillings in a Hundred Pounds, which Sum so deducted, and also the Monies accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers (being Police Constables) on summary Convictions, as shall be directed by such Justice to be paid for the Benefit of this Fund, and all Monies arising from the Sale of worn or cast Clothing supplied for the Use of the Constables in any County, shall from Time to Time be invested in such Manner as the Justices in General or Quarter Session assembled shall direct; and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes herein-after mentioned, shall be likewise invested in the like Manner, and accumulate so as to form a Superannuation Fund, and shall be applied from Time to Time for Payment of such Superannuation or Retiring Allowances or Gratuities as may be ordered by the Justices in General or Quarter Session assembled, upon the Recommendation of the Chief Constable, at any Time, to any of the said Constables, as herein-after provided; and the Justices shall guarantee the Security of the Superannuation Fund of their County, and make good out of the County Stock any Deficiency

Deficiency which may arise in such Fund from the Default of any Treasurer or other Person intrusted with the Custody or Management thereof.

XI. And be it enacted, That it shall be lawful for the Justices upon such Recommendation, if they shall think fit, to order that any of the said Constables may be superannuated, and receive thereupon out of the Superannuation Fund a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; (that is to say,) that if he shall have served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds of his Pay; provided, that if he shall be under Sixty Years of Age it shall not be lawful to grant any such Allowance unless upon the Certificate of the Chief Constable that he is incapable, from Infirmary of Mind or Body, to discharge the Duties of his Office; provided also, that if any Constable shall be disabled from any Wound or Injury received in the actual Execution of the Duty of his Office it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent him being dismissed without Superannuation Allowance.

Rates of Allowance from the said Fund.

XII. And be it enacted, That it shall be lawful for the Justices in General or Quarter Session assembled of any County in which or in any Part of which Constables shall be appointed under the first-recited Act, if they think fit, to order that Station Houses and Strong Rooms, or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided in such Places as the said Justices shall think fit, and upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State; and for that Purpose to purchase and hold Lands and Tenements, or to appropriate to that Purpose any Lands or Tenements belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation; and the Expence of building, hiring, or otherwise providing, repairing, and furnishing such Station Houses and Strong Rooms shall be defrayed out of the Police Rates.

Station Houses and Strong Rooms to be provided.

XIII. And be it enacted, That it shall be lawful for the Justices in General or Quarter Session assembled to borrow Money for the Purpose of purchasing any such Lands and Tenements, or of building any such Station Houses and Strong Rooms, and to charge the future Police Rates with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year.

Money may be borrowed on Credit of the Police Rates.

XIV. And be it enacted, That it shall be lawful for the Justices of any County in which Constables shall have been appointed under the said Act, and for the Council of any incorporated

Boroughs may agree to consolidate their Police with County Police.

incorporated Borough situated in or adjoining to such County, to agree together for the Consolidation of the County and Borough Police Establishments; and in every such Case all the Constables appointed either for the County or the Borough shall have all the Powers, Privileges, and Duties throughout the County and the Borough which Constables appointed for any County have within that County under the said Act, and all the Provisions of the said Act shall be taken to apply to the Borough Constables as well as to the County Constables, except as is herein otherwise provided; and every such Agreement which shall have been agreed to by the Justices of the County in General or Quarter Session assembled, on the one hand, and by the Mayor, Aldermen, and Burgesses of the Borough, by their Council, on the other hand, shall be binding on both Parties, as soon as a Memorandum of such Agreement under the Hands of Two or more Justices of the County, and countersigned by the Clerk of the Peace, shall be delivered to the Council of the Borough, and a Counterpart thereof under the Common Seal of the Borough shall be delivered to the Justices; and when any such Agreement shall have been made between any County and any Borough, either Party shall be empowered to put an end thereunto, without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be under the Hands of Two or more Justices, and countersigned by the Clerk of the Peace, or if given by the Borough, to be under the Common Seal of the Borough: Provided always, that no such Notice shall be given by the Justices, or by the Borough, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of the Justices attending at any General or Quarter Session, or Three Fourths of the Council of the Borough.

Government of
consolidated
Police.

XV. And be it enacted, That in all Cases where the Establishment of County and Borough Constables shall be consolidated into One Police Establishment the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Borough Constables he shall report the Fact, with his Reasons for the Dismissal, to the Mayor of the Borough, and the Watch Committee of the Borough shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Borough Constable who shall have been dismissed by the Chief Constable shall be capable of being re-appointed for the same Borough without the Consent of the Chief Constable; and so much of the said Act for regulating Corporations as empowers the said Committee, or any Two Justices of the Peace having Jurisdiction within the Borough, to dismiss any Constable, shall be suspended, as to those Boroughs whose Establishment of Constables is consolidated with

with the Establishment of County Constables, during the Time that any Agreement for such Consolidation shall be in force.

XVI. And be it enacted, That the Chief Constable shall make out, and cause to be laid before the Justices acting in and for every Petty Sessional Division of the County, at one of their Special Sessions holden for hearing Appeals against the Poor Rates, a List, signed by him, of fit Persons residing within every Parish, Township, and Place within the Division, willing, in case of Need, to serve as Local Constables during the Year then next ensuing, for doing all Things which belong to the Office of Constable within such Parish, Township, or Place; and the Justices of each of such Divisions, at any Time, in Petty Sessions assembled, shall select from the Persons named in such List so many Local Constables as they shall think fit to appoint for every such Parish, Township, or Place, and shall cause to be administered to them the following Oath; (that is to say,)

Appointment
of Local Con-
stables.

‘ I *A.B.* do swear, That I will well and truly serve our Sovereign Lady the Queen in the Office of Local Constable for the Parish [*or Township, &c.*] of [] for the Year ensuing, or until another shall be sworn in my Stead, according to the best of my Skill and Knowledge.

Oath of Local
Constable.

‘ So help me GOD.’

And all such Local Constables shall be subject to the Authority of the Chief Constable, and to such Regulations as shall be made for their Government by one of Her Majesty's Principal Secretaries of State, and shall have within the whole County, and also within all Liberties and Franchises and detached Parts of other Counties situated therein, and also in every County adjoining to the County in which they are appointed, all the Powers, Privileges, and Immunities, and shall be liable to all the Duties and Responsibilities, of a Constable within his Constablewick, but shall not be bound to act as a Constable beyond the Parish, Township, or Place for which they are severally appointed and sworn; and the Chief Constable, from Time to Time, shall cause a List to be printed and published of the Persons so appointed and sworn as Local Constables within each Division, with the Names of the Places for which they are severally appointed.

XVII. And be it enacted, That the Justices of the County in General or Quarter Session assembled shall from Time to Time, subject to the Approval of one of Her Majesty's Principal Secretaries of State, settle Tables of Fees and Allowances for the Service of Summonses and Execution of Warrants, and for the Performance of the other occasional Duties which may be required of the said Local Constables; and whenever any Duty for which any such Fee or Allowance shall have been settled shall be performed by one of the Constables appointed under the first-recited Act, the Amount thereof shall be accounted for and paid to the Treasurer of the County, or such other Person as shall be appointed by the Justices to receive the same, and shall be applied towards defraying the

Fees and Al-
lowances for
Special Ser-
vices.

Expences

Expences of putting the said Act in execution; and when such Duty shall have been performed by one of the Local Constables appointed under this Act, the Amount of the Fee or Allowance shall be paid to such Local Constable, under such Regulations as shall be made from Time to Time by the Justices in General or Quarter Session assembled.

Accounts of Allowances to be kept.

XVIII. And be it enacted, That the Justices usually acting in and for every Division shall take care that full, true, and particular Accounts be kept of all such Fees and Allowances within their Division, and shall once in every Quarter of a Year cause an Account, with all proper Vouchers for verifying the same, to be delivered to the Treasurer of the County or other Person appointed to receive the same.

Additional Constables may be appointed at the Cost of Individuals.

XIX. And be it enacted, That it shall be lawful for the Chief Constables of any County, with the Approval of the Justices of the County in General or Quarter Session assembled, (if he shall think fit,) on the Application of any Person or Persons showing the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other County Constables: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving One Calendar Month's Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

Discontinuance thereof.

Power of 3 & 4 W. 4. c. 90. and of Local Acts for levying Rates to cease, except as hereby reserved for paying additional Constables.

XX. ' And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty, making Provisions for the lighting and watching of Parishes in *England* and *Wales*, and divers Acts have been made authorizing the Appointment of Constables and Watchmen, by Day or Night, in sundry Towns and Places within the Counties in which the first-named Act may be put in force, and authorizing Rates to be made and levied for the Purpose of defraying the Expences of such Constables or Watchmen; be it enacted, That, notwithstanding any thing contained in the said Act of the last Session of Parliament, the Constables or Watchmen appointed in and for any Parish under the said Act of the Fourth Year of the Reign of His late Majesty, or in and for any Town or Place under any such Local Act as last aforesaid, and not discontinued before the passing of this Act, shall continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore; and all such Acts shall continue in force until it shall be notified by the Chief Constable of the County in which such Parish, Town, or Place is situated, to the Inspectors, Commissioners, or other Persons having Authority over such Constables or Watchmen as aforesaid, by Writing under his Hand, that he is ready to undertake the Charge of such

such Parish, Town, or Place on some Day to be specified in the Notice, which Notice shall be published within such Parish, Town, or Place, in such Manner as shall seem fit to the Chief Constable, for the Purpose of making the same to be generally known; and upon the Day so named the Watchmen or Constables appointed within such Parish, Town, or Place; under the said Act of the Fourth Year of the Reign of His late Majesty, or under such Local Act, shall be discontinued as a separate Force; and all Powers for assessing and levying any Rate in such Parish, Town, or Place, the Whole or any Part of which shall be applicable to the Payment of such Watchmen or Constables, or any Expences incident thereunto, shall cease, so far as such Powers relate to any whole Rate so applicable, or to that Part of any Rate which shall be so applicable, except, for such Purposes as are herein-after mentioned: Provided always, that, notwithstanding any thing in the first-named Act contained, the Powers of all such Acts shall enure for the Purpose of enabling the Inspectors, Commissioners, or other Persons charged with the Execution of any such Act, to make such Application as aforesaid to the Chief Constable of the County for the Appointment in any such Town or Place of an additional Number of Constables, and to assess and levy such Rates as are authorized by the said Acts in each Case for defraying the Expences of Constables or Watchmen, and to apply them in defraying the Expence of so many additional Constables in such Town or Place respectively as the Chief Constable, on their Application, and with the Approval of the Justices as aforesaid, shall appoint there: Provided also, that where any Parish, Town, or Place in which Constables have been appointed under any such Local Act shall be situated in more than One County, such Notice shall not be given by the Chief Constables of either County to the Commissioners or other Persons having Authority over the Constables in such Parish, Town, or Place until after Constables shall have been appointed under the first-recited Act in each of such Counties.

Proviso as to
Places situated
in more than
One County.

XXI. And be it enacted, That upon the Day mentioned in such Notice as last aforesaid all Watch-houses and Watchboxes in any such Parish or Place, and all Arms, Accoutrements, and other Necessaries provided at the Public Expence for the Watchmen or Constables therein, shall be given up to such Persons as shall be named by the said Chief Constable, for the Use and Accommodation of the Constables to be appointed under the first-recited Act; and in case any Person having the Charge, Control, or Possession of any Watch-house, Watchbox, Arms, Accoutrements, or Necessaries as aforesaid, shall neglect or refuse to give up the same as herein-before required, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum, not exceeding Five Pounds, as the said Justices shall think meet; and where there shall be any Building in any such Parish

Watchboxes and
Accoutrements
provided under
Local Acts to
be given up for
Use of the
County Police.

Parish or Place as aforesaid, a Part only of which Building shall have been heretofore used as a Watch-house, such Part shall be given up every Day, from the Hour of Four in the Afternoon until the Hour of Nine in the Forenoon, for the Use and Accommodation of the Constables to be appointed under the first-recited Act; and if any Person, having the Charge, Control, or Possession of any such Building, shall neglect or refuse to give up such Part thereof for the Purposes aforesaid, or to permit free Access thereto or Egress therefrom during any Portion of the Time above prescribed, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum, not exceeding Five Pounds, as the said Justices shall think meet.

Rates already
imposed to be
collected.

XXII. And be it enacted, That any Rate authorized by the said Act of the Fourth Year of the Reign of His late Majesty, or by any such Local Act, for defraying the Expences of the Constables or Watchmen in any Parish or Place, made previous to the Day on which the said Chief Constable shall undertake the Charge thereof, shall be levied and collected in the same Manner as if the first-recited Act or this Act had not been passed; and that nothing herein contained shall be deemed to affect or alter any Powers or Authorities for assessing and levying any Rate in any such Parish or Place, so far as such Rate may relate to paving, lighting, cleansing, or any other Object, except the Constables or Watchmen, or any Expences incident thereto.

Provision for
outstanding
Debts.

XXIII. 'And whereas there are certain Parishes and Places in which Monies have been borrowed or advanced, and Debts contracted, under some one or more of such Acts as last aforesaid, for the building of Watch-houses, and for various Expences connected with the Constables or Watchmen therein, and such Monies and Debts remain unpaid, and it is expedient that the same be discharged;' be it enacted, That all such Monies and Debts in any Parish or Place of which the said Chief Constable shall undertake the Charge shall, notwithstanding any thing herein-before contained, be chargeable upon the Rates out of which such Monies or Debts have been heretofore in part paid, or would have been payable if the first-recited Act or this Act had not been passed, and such Rates shall be from Time to Time assessed and levied for the Payment of such Monies and Debts until the same shall be entirely discharged and satisfied.

Constables
appointed under
the first-recited
Act and this
Act to be dis-
continued when
decided to be
unnecessary.

XXIV. And be it enacted, That if the Justices of the Peace of any County in General or Quarter Sessions assembled shall be of opinion that the Constables appointed under the first-recited Act or under this Act are no longer needed in their County, it shall be lawful for the Justices assembled as aforesaid to report that Opinion to one of Her Majesty's Principal Secretaries of State, Six Months Notice of the Intention to propose that such Report be made having been first given as is by the said Act provided with regard to any Business relating to the Adoption of the said Act; and if Three Fourths

of

of the Justices assembled at any such General or Quarter Sessions of the Peace, after such Notice given, shall resolve upon making such Report, and such Report shall be approved by one of Her Majesty's Principal Secretaries of State, the said Constables shall be discontinued at such Time as shall be mentioned in the Report; and any Balance of Monies which shall have been raised for the Purposes of the said Act, after Payment of all Expences legally chargeable thereon, shall be carried to the Account of the County Rate.

XXV. And be it enacted, That in any County in which Two Chief Constables shall have been appointed under the Authority of the said Act, it shall be lawful for the Justices of the said County, if they shall think fit, in General or Quarter Session assembled, to order that separate Accounts shall be kept of the Expences of the Force placed under the Authority of each Chief Constable, and that the Police Rates shall be assessed and levied separately upon the Districts of each Chief Constable, and applied separately to the Expences of the Police Force maintained therein.

Where Two Chief Constables Rates may be levied separately.

XXVI. 'And whereas it hath been found unnecessary that a Superintendent be appointed for every Petty Sessional Division of a County in which the first-recited Act has been adopted;' be it enacted, That it shall be lawful for the Justices in General or Quarter Session assembled, with the Approval of one of Her Majesty's Principal Secretaries of State, to direct how many of the Constables shall be appointed Superintendents, and to direct the Appointment of Inspectors and Serjeants and other subordinate Officers, with such Gradations of Rank and Pay and such Variety of Duties as shall be found expedient; and it shall be lawful for the Justices to make such Orders as to them shall appear expedient touching the Attendance of the Superintendents, Inspectors, Serjeants, or other subordinate Officers among the said Constables upon the Justices at their several Sessions.

Number of Superintendents may be altered by the Justices.

XXVII. 'And whereas the Number of Constables needed may be different in different Parts of the same County;' be it enacted, That it shall be lawful for the Justices of the Peace for any County in General or Quarter Sessions assembled, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of the County, to divide the County or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which the Determination of the Justices shall have been grounded, shall be sent to one of Her

Formation of Police Districts

Majesty's Principal Secretaries of State, and if approved by the Secretary of State such Division or Alteration shall be deemed to be completed.

Each Police District to pay for its own Constables.

XXVIII. And be it enacted, That if the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expence of putting the said Act into execution in such County or Part of such County shall be classed under Two Heads, of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expence of the Salaries and Clothing of the Constables appointed for each District, and such other Expences as the Justices, subject to the Approval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the Police Rates shall be assessed and levied in each Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

Constables subject to Duty in any Part of the County, as if no Districts had been made.

Justices may form any Number of Parishes, containing not less than 25,000 Inhabitants, into a Division for the Purposes of this Act.

XXIX. And be it enacted, That in case the Justices of any County shall not resolve on appointing Constables, under the said Act of the last Session, for the whole of their County, it shall be lawful for them, if they shall think fit, in General or Quarter Sessions assembled, to form any Number of contiguous Parishes, Townships, or Places into a Division, so that such Division contain not less than Twenty-five thousand Persons, according to the last Census for the Time being, and to appoint Constables under the said Act for every such Division; and all Provisions of the said Act as amended by this Act, and of this Act, relating to the Appointment of Constables for any Division or Divisions for which Special or Petty Sessions of the Peace are holden, or relating to Police Districts, shall be deemed to apply to the Police Divisions so formed.

Defining Nature of Notice.

XXX. Provided always, and be it enacted, That with the Notice of the Time of holding any such General or Quarter Session or Adjournment thereof, as now required by Law, Notice shall be given of the Day and Hour at which any Business relating to the Adoption of the Provisions of this Act will be considered at such Session.

Chief Constable to furnish to the Clerk of the Peace a monthly Return of the Disposition and Number of the Constabulary Force.

XXXI. And be it enacted, That every Chief Constable shall, on the First Day of every Month, transmit to the Clerk of the Peace for the County for which or for some District whereof such Constable shall act a Return showing the actual Disposition and Number of the Constabulary Force of the County or District for which such Constable shall act during the preceding Month, which Return shall specify the Changes made from Time to Time in such Force as well in Number as by Name, and shall distinguish by Number and Name the Members

Members of the Police Force of any other District serving within his District; and the Clerk of the Peace shall cause the said Return to be laid before the Justices at the next ensuing Quarter Sessions for Examination.

XXXII. And be it enacted, That every Superintendent appointed under this Act shall, on the First Day of every Month, send to the Chief Constable a Return showing the actual Disposition and Number of the Constables of the County under his Superintendence during the preceding Month, which Return shall specify the Changes made from Time to Time therein, as well in Number as by Name; and the Chief Constable shall send a Copy of all such Returns to the Clerk of the Peace for the County, to be laid before the Justices of the Peace at their next General or Quarter Sessions of the Peace.

Monthly Returns of the Force to be made.

XXXIII. And be it enacted, That whenever a Warrant of Commitment of any Person to any Gaol or House of Correction shall be directed and delivered to any Constable in any County in which Constables shall have been appointed under the said Act of the last Session of Parliament, it shall be lawful for the Justice or Justices by whom such Warrant shall be signed, if he or they shall think fit, in and by such Warrant, to command the Constable to whom the Warrant is directed, and all other Constables to whom the Warrant shall be successively delivered as herein-after provided, to convey and deliver the Body of the Person so committed, with the Warrant, into the Custody of the Constable who shall be in attendance at the nearest or most convenient Station House or Strong Room belonging to the said Police Force lying in the Way towards the said Gaol or House of Correction, or to such other Constable as shall be appointed by the Regulations of the Police Force to take charge of Persons so committed; and every Constable into whose Custody any such Person shall be so successively delivered shall endorse upon the Warrant a Certificate in Writing under his Hand of the Delivery of such Person into his Custody, and the Time and Place of such Delivery, and such Certificate shall discharge the Constable so delivering over the Body of such Person from further Execution of the Warrant; and it shall be lawful for any Constable into whose Custody such Persons shall have been so delivered to complete the Execution of the Warrant, by conveying and delivering the Body of such Person either to the said Gaol or House of Correction or into the Custody of the Constable in attendance at the next Station House or Strong Room as aforesaid, or to such other Constable as shall be appointed by the Regulations of the Police Force to assist in taking charge of Persons so committed; and every Constable into whose Custody any Person shall be so delivered, and who shall have endorsed such Certificate upon the Warrant, shall have the same Powers, Privileges, and Protections for and in the Execution of such Warrant as if the same had been originally directed to him by Name.

How Warrants of Commitment may be executed.

XXXIV. And be it enacted, That in construing this Act the Words "County" and "Quarter Sessions" shall be taken

Interpretation Clause

to be used in the same Sense in which they are used in the first-recited Act: Provided always, that neither in the first-recited Act nor in this Act shall the Word "County" be taken to mean any Liberty or Franchise having a distinct Commission of the Peace separate from the Commission of the Peace of the County or Riding in which it is situated: Provided also, that nothing herein contained shall extend to affect the *Isle of Ely*, or the Powers of the Justices named in the Commission of the Peace thereof, or to give any Power or Authority within the *Isle of Ely* to the Justices named in the Commission of the Peace of the County of *Cambridge*.

Act to be construed with Act of last Session.

XXXV. And be it enacted, That this Act, and so much of the said Act of the last Session of Parliament as is not inconsistent with this Act, shall be construed together as One Act: Provided always, that no Local Constable appointed under this Act shall thereby become incapable of giving his Vote for the Election of any Member to serve in Parliament, or be restrained from employing himself in any Office or Employment, for Hire or Gain.

Act may be amended, &c.

XXXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXIX.

An Act to exempt, until the Thirty-first Day of December One thousand eight hundred and forty-one, Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. [10th August 1840.]

43 Eliz. c. 2.

‘ WHEREAS by an Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, it was amongst other things provided, that the Overseers of every Parish should raise, by Taxation of every Inhabitant, Parson, Vicar, and other, and of every Occupier of Lands, Houses, Tithes Improprate, Propriations of Tithes, Coal Mines, or saleable Underwoods, in the said Parish, in such competent Sum and Sums of Money as they shall think fit, a convenient Stock of necessary Ware and Stuff to set the Poor on Work, and also competent Sums of Money for and towards the Relief of the Poor not able to work, and also for the putting out of poor Children to be Apprentices, to be gathered out of the same Parish according to the Ability of the same: And whereas by another Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *An Act for the better Relief of the Poor of this Kingdom*, the Provisions of the said Act of *Elizabeth* were extended to certain Townships

13 & 14 Car. 2.
c. 12.

516/2 30
607/2 48
778/2 40
869/2 79
1041/2 79
11412/2 85

‘ Townships and Villages: And whereas, by reason of the
 ‘ Provisions of the said Acts, it has been held that Inhabitants
 ‘ of Parishes, Townships, and Villages, as such Inhabitants, are
 ‘ liable, in respect of their Ability derived from the Profits of
 ‘ Stock in Trade and of other Property, to be taxed for and
 ‘ towards the Relief of the Poor, and it is expedient to repeal
 ‘ the Liability of Inhabitants, as such, to be so taxed:’ Be it
 therefore enacted by the Queen’s most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That from and after the
 passing of this Act it shall not be lawful for the Overseers of
 any Parish, Township, or Village to tax any Inhabitant thereof,
 as such Inhabitant, in respect of his Ability derived from the
 Profits of Stock in Trade or any other Property, for or towards
 the Relief of the Poor: Provided always, that nothing in this
 Act contained shall in anywise affect the Liability of any Parson
 or Vicar, or of any Occupier of Lands, Houses, Tithes Impro-
 piate, Propriations of Tithes, Coal Mines, or saleable Under-
 woods, to be taxed under the Provisions of the said Acts for
 and towards the Relief of the Poor.

Stock in Trade
not to be rated.

II. And be it enacted, That this Act shall be in force till the
 Thirty-first Day of *December* in the Year of our Lord One
 thousand eight hundred and forty-one, and that from the said
 Thirty-first Day of *December* this Act, and all the Provisions
 herein-before contained, shall absolutely cease and be of no
 effect.

Duration of
Act.

CAP. XC.

An Act for the Care and Education of Infants who
 may be convicted of Felony. [10th *August* 1840.]

‘ **WHEREAS** it is expedient that every Facility should be
 ‘ offered for the Improvement and better Education of
 ‘ Infants under the Age of Twenty-one who have been or
 ‘ may be convicted of Felony:’ Be it therefore enacted by
 the Queen’s most Excellent Majesty, by and with the Advice
 and Consent of the Lords Spiritual and Temporal, and Com-
 mons, in this present Parliament assembled, and by the Autho-
 rity of the same, That in every Case in which any Person
 being under the Age of Twenty-one Years shall hereafter be
 convicted of Felony, it shall be lawful for Her Majesty’s High
 Court of Chancery, upon the Application of any Person or
 Persons who may be willing to take charge of such Infant, and
 to provide for his or her Maintenance and Education, if such
 Court shall find that the same will be for the Benefit of such
 Infant, due regard being had to the Age of the Infant, and to
 the Circumstances, Habits, and Character of the Parents,
 testamentary or natural Guardian, of such Infant, to assign the
 Care and Custody of such Infant, during his or her Minority,

Court of Chan-
cery empowered
to assign the
Care of any
Infant convicted
of Felony to
any Person
other than the
testamentary
or natural
Guardian.

or any Part thereof, to such Person or Persons, upon such Terms and Conditions, and subject to such Regulations respecting the Maintenance, Education, and Care of such Infant, as the said Court of Chancery shall think proper to prescribe and direct; and upon any Order for that Purpose being made, and so long as the same shall remain in force, the same shall be binding and obligatory upon the Father, and upon every testamentary or natural Guardian of such Infant, and no Person or Persons shall be entitled to use or exercise any Power or Control over such Infant which may be inconsistent with such Order of the said Court of Chancery: Provided always, that the said Court may at any Time rescind such Assignment, or from Time to Time rescind, alter, or vary any such Terms or Conditions, or such Regulations, as to the said Court may seem fit; and provided also, that the said High Court of Chancery shall and may award such Costs as to it may seem fit, against any such Person or Persons who shall make such Application as aforesaid, if such Application shall not appear to the said Court well founded; and such Costs shall be payable to any Parent or other natural or testamentary Guardian of any such Child who shall oppose such Application.

Court may
rescind or alter
such Assign-
ment;

and award Costs
in certain Cases.

Infant not to
be sent beyond
the Seas, &c.

II. And be it enacted, That in every Case it shall be a Part of the Terms and Conditions upon which such Care and Custody shall be assigned, that the Infant shall not, during the Period of such Care and Custody, be sent beyond the Seas or out of the Jurisdiction of the said Court of Chancery.

No Fee to be
taken by Officer
of Court.

III. And be it enacted, That no Fee, Reward, Emolument, or Gratitude whatsoever shall be demanded, taken, or received by any Officer or Minister of the said Court of Chancery for any Matter or Thing done in the said Court in pursuance of this Act; and that upon the making or opposing of any such Application it shall be lawful for any Judge of the said Court to assign Counsel learned in the Law and to appoint a Clerk or Practitioner of the said Court to advise and carry on or to oppose such Application, who are hereby required to do their Duties therein without Fee or Reward.

Counsel may
be assigned.

This Act not to
interfere with
Execution of
the Sentence.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall affect or in any Manner interfere with the Execution of the Sentence which may have been passed upon such Infant upon his or her Conviction.

CAP. XCI.

An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament.

576 & 68

[10th August 1840.]

WHEREAS several Acts from Time to Time have passed containing Regulations for the Linen, Hempen, Union, and Cotton Manufactures in Ireland; and such Regulations were, with certain Modifications, by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland*, continued in force for the Space of Two Years, and from thence until the End of the then next Session of Parliament, when the same would expire, but were by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to continue for Five Years, and from thence until the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of His late Majesty for the Regulation of the Linen and Hempen Manufactures in Ireland*, continued in force for the Time therein limited and expressed: And whereas the Provisions of the said Act have not been found effectual to prevent or even materially to check the Theft and Embezzlement of Linen, Hempen, and Cotton Yarns, and of Cloths made of any one or of any Mixture of these Materials, in Ireland; and it is expedient to make further Provision as well for the Benefit and Encouragement of Trade and Manufactures as for the Security of the Property of Manufacturers and Employers, and for that Purpose to repeal Part of the said Act, and to enact other Provisions in lieu thereof: And whereas it is necessary that the said Provisions shall be extended to the Silk and Woollen Manufactures: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act, so much of the said recited Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, and continued in force by the Act passed in the First and Second Years of the Reign of Her present Majesty, as relates to the Embezzlement of Materials, and to Manufacturers and Weavers, shall be and the same is hereby repealed, save and except in as far as the same may have repealed any former Acts or Enactments.

5 & 6 W. 4. c. 27.

1 & 2 Vict. c. 52.

So much of 5 & 6 W. 4. c. 27. as relates to the Embezzlement of Materials, and to Manufacturers and Weavers, repealed.

Persons convicted of pawning or embezzling any of the Materials herein particularized to forfeit the full Value of the same with Costs.

Application of Forfeiture.

Persons knowingly purchasing or receiving stolen Materials or Tools guilty of a Misdemeanor ;

as also Persons knowingly selling, pawning, &c. stolen Materials or Tools.

Justice of the Peace empowered to issue his Warrant for the Apprehension of Offenders against this Act.

II. And be it enacted, That if any Weaver, Sewer, or any other Person whatsoever, intrusted, for the Purpose of Manufacture, or for any special Purpose connected with Manufacture, with any Linen, Hempen, Cotton, Silk, or Woollen Yarns, or any Two or more of these Materials mixed with each other, or any Cloths made of any one or any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, shall sell, pawn, purloin, embezzle, secrete, exchange, or otherwise fraudulently dispose of the same or any Part thereof, he shall, upon being thereof lawfully convicted by the Oath of the Owner of such Cloths or Materials, or of any other credible Witness or Witnesses, before a Court of Petty Sessions, or of General or Quarter Sessions, be liable to forfeit the full Value of the same, with such Costs and Penalty as shall not together exceed Five Pounds, as the Court before which the Conviction shall take place shall judge to be most proper ; and every such Forfeiture and Penalty shall be applied, under the Direction of the Court before which the Conviction shall be, in manner following ; (that is to say,) in the first place, the Expences of the Prosecution shall be thereout defrayed, and then such Satisfaction shall be made thereout to the Party injured as the said Court shall think proper, and the Remainder, if any, shall be applied in the same Manner as any other Penalty under this Act ; and in default of the immediate Payment, on Conviction, of such Forfeiture and Penalty, the said Person so convicted shall be imprisoned in the Common Gaol or House of Correction, and there kept to hard Labour, for any Time not exceeding Two Months, unless the Amount of such Forfeiture and Penalty and Costs be sooner paid.

III. And be it enacted, That any Person who shall purchase or take in pawn, or who in any other way shall receive into his Premises or Possession, Linen, Hempen, Cotton, Silk, or Woollen Yarns, or Cloths made of any one or of any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, knowing that such Yarns, Cloths, Tools, or Apparatus are embezzled, or that the Persons offering the same for Sale are fraudulently disposing thereof, shall, on Conviction by the Oath of One or more credible Witness or Witnesses, be deemed and adjudged guilty of a Misdemeanor.

IV. And be it enacted, That if any Person shall sell, pawn, pledge, exchange, or otherwise unlawfully dispose of, or offer to sell, pawn, pledge, exchange, or otherwise dispose of, any such Materials, Tools, or Apparatus as aforesaid, knowing them to have been purloined or embezzled, or received from Persons fraudulently disposing thereof, he shall, on Conviction, be deemed and adjudged guilty of a Misdemeanor.

V. And be it enacted, That on Proof on Oath that there is just Cause to suspect that any such Materials, Tools, or Apparatus as aforesaid have been fraudulently sold, pawned, purloined, or embezzled by the Person to whom intrusted, or that any such Materials, Tools, or Apparatus have been purchased or received, or sold, pawned, pledged, exchanged, or otherwise

otherwise fraudulently disposed of, or offered for Sale, Pawn, Pledge, Exchange, or other Disposal, by any Person knowing the same to have been purloined or embezzled, or received from some Person fraudulently disposing thereof, it shall and may be lawful for any One Justice of the Peace, and he is hereby required, to issue his Warrant for apprehending such Person, and bringing him before him or some other Justice of the Peace for Examination; and if upon such Examination the Charge of having fraudulently sold, pawned, purloined, or embezzled any such Materials, or of having purchased or received, or sold, pawned, pledged, exchanged, or otherwise fraudulently disposed of, or offered for Sale, Pawn, Pledge, Exchange, or other Disposal, any such Materials, knowing them to have been purloined or embezzled, or received from some Person fraudulently disposing thereof, shall be supported by Evidence to raise a strong Presumption of Guilt, such Justice shall commit such Person to the Common Gaol or House of Correction, in order that he may be brought forward for Trial at the next Court of Petty Sessions, or of General or Quarter Sessions, unless he enter into such Bail with Two solvent and sufficient Sureties, as may be required for his Appearance before such Court: Provided always, that the Prosecutor is hereby exclusively entitled to decide as to whether he shall prosecute in a summary Manner at the next Court of Petty Sessions, or otherwise.

and to commit
them for Trial
at the Sessions.

VI. And be it enacted, That if any credible Person shall make Oath before a Justice of the Peace, that there is a reasonable Cause to suspect that any Person has in his Possession or on his Premises any purloined or embezzled Cloths, Yarns, Materials, Tools, or Apparatus, such Justice is hereby authorized and required to grant his Warrant to search the Dwelling House and Premises of such Person; and if any such Property shall be found therein, to cause the same, and the Person in whose Possession or on whose Premises the same shall be found, to be brought before him or some other Justice of the Peace, who is hereby authorized to order his Detention until the Court of Petty Sessions, or of General or Quarter Sessions of the District, unless he enter into such Bail, with Two solvent and sufficient Sureties, as may be required for his Appearance before the said Court on any Day to be fixed by such Justice; and if the Person so apprehended shall not give an Account to the Satisfaction of such Court how he came by the same, then the said Person shall be deemed and adjudged guilty of a Misdemeanor, and shall be punished in manner herein-after mentioned, although no Proof shall be given to whom such Property belongs.

Justice empowered to grant
Search Warrants; and to
detain Property or Persons.

Persons convicted of having
stolen Property in their Possession
guilty of a Misdemeanor.

VII. And be it enacted, That all Chief Constables and Chiefs of Police in any District in *Ireland*, upon receiving Information that stolen or purloined and embezzled Linen, Hempen, Cotton, Silk, or Woollen Yarns, or Cloths made of any one or any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, or that such Yarns or Goods suspected of being

Chief Constables and Chiefs
of Police empowered to
search the Premises of
Purchasers and
Receivers of
being purloined or

embezzled Property, without a Justice's Warrant, upon Emergency.

being stolen or purloined and embezzled are deposited in certain specified Premises, and that there is Reason to apprehend that such Yarns or Goods will be removed before a Warrant can be obtained from a Justice, shall henceforth have Power, by themselves or their Officers, or by Constables, to search the said Premises, and to seize such Yarns or Goods, and either to summon the Person within whose Premises the same shall be found, and who shall be bound to answer said Summons under a Penalty not exceeding Forty Pounds, or to apprehend the Person within whose Premises the same shall be found, and to lodge the Yarns or Goods so seized, and the Person within whose Premises the same shall be found, in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace for Examination, as before directed.

Officers, Constables, and others to apprehend suspected Persons, and to lodge them, with the Property, in a Police Office.

VIII. And be it enacted, That every Peace Officer and Constable, and every Watchman duly appointed by Law, during such Time as he shall be on Duty, shall and may apprehend or cause to be apprehended any Person whom he may reasonably suspect of having or carrying, or in any way conveying, any Property suspected to be purloined or embezzled, and shall lodge such Person, together with the Property, in a Police Office or other Place of Security, in order that they may be brought before the nearest Justice of the Peace as soon as convenient, who is hereby empowered to discharge such Person, or to order his Detention until the next Court of Petty Sessions, or of General or Quarter Sessions of the District, unless he enter into such Bail, with Two solvent and sufficient Sureties, as may be required for his Appearance before said Court on any Day to be fixed by said Justice; and if the Person so apprehended in the Act of committing any such Offence as aforesaid, or conveying any such Property as aforesaid, shall not produce before the said Court the Person duly entitled to dispose of such Property, from whom he bought or received the same, or shall not give an Account to the Satisfaction of the said Court that the Property is honestly come by, then the Person so apprehended shall be deemed and adjudged guilty of a Misdemeanor, and be punished in manner herein-after mentioned, although no Proof shall be given to whom such Property belongs.

Persons so apprehended, and not proving that the Property is honestly come by, guilty of a Misdemeanor.

Adjournment of Time for Trial allowed on Prisoner finding Bail.

IX. And be it enacted, That it shall be competent for the Party accused, in all Prosecutions brought under Authority of this Act, to move for and obtain an Adjournment of the Time fixed for Trial, for such a reasonable Time as may appear to the Court to be necessary for the Party accused to produce the Person duly entitled to sell, dispose of, or transmit the said Property, of whom he bought or received the same, or Evidence respecting the same; but the Party accused and requesting such Adjournment shall be detained in Custody or committed to Prison, unless he enter into such Bail, with Two solvent and sufficient Sureties, as shall be required for his Appearance before said Court at such Time and Place as shall be appointed.

X. And

X. And be it enacted, That any Person who shall be deemed and adjudged guilty of a Misdemeanor, agreeably to any of the previous Sections of this Act, shall, in addition to being deprived, without Compensation, of any stolen or embezzled Materials or Goods which shall have been found in his Possession, forfeit any Sum not exceeding Twenty Pounds for each Offence, together with Costs, if tried in a summary Manner before a Court of Petty Sessions; or shall forfeit any Sum not exceeding Forty Pounds, together with Costs, if tried before a Court of General or Quarter Sessions; one Moiety of the said Penalty to be given to the Informer, the other to be applied in the same Manner as any other Penalty under this Act; and in default of the immediate Payment, on Conviction, of such Penalty and Costs the Person so found guilty shall, if the Trial has been conducted in a summary Manner, be imprisoned in the Common Gaol or House of Correction, and kept to hard Labour, for any Term not exceeding Three Months; and if the Trial has been conducted at a Court of General or Quarter Sessions, he shall be imprisoned in the Common Gaol or House of Correction, and there kept to hard Labour, for any Term not exceeding Six Months, as the Court in the Sentence of Condemnation shall fix and determine: Provided always, that in each of the Cases aforesaid the Person imprisoned shall be released upon Payment of the Amount of the Penalty and Costs to which he has been sentenced.

Penalties on Persons guilty of Misdemeanors in having purloined or embezzled Goods, &c.

XI. And be it enacted, That where no Proof shall be given at the Time of Conviction of the Ownership of Property found in the Possession of a Person convicted under this Act, the Justices shall cause the Property so found to be deposited in some safe Place for any Time not exceeding Thirty Days, and shall order an Advertisement to be inserted in One or more of the public Newspapers of the Town or City nearest the Place where the same was found, and shall cause Notice to be given, if in a Town or City, by some public Crier, and by fixing a printed Notice on some public Place, describing such Property and where the same may be inspected; and in case any Person shall prove his own or his Employer's Ownership or Property therein, upon Oath, to the Satisfaction of the Justices presiding at the Petty Sessions of the District, Restitution of such Property shall be ordered to the Owner thereof, after paying the reasonable Cost of removing, depositing, advertising, and giving Notice of the same; but if no Ownership be proved to such Property, the Justices presiding at the Court of Petty Sessions of the District shall, at the Termination of Thirty Days, order such Property to be sold, and after deducting the Charges aforesaid, with the Charges of Sale, shall order the Residue to be applied in the same Manner as a Penalty under this Act: Provided always, that if it appear to said Justices that the Yarns are of such a Kind as, if sold in an unwrought State, would be liable to be purchased by fraudulent Dealers, to be used by them as a Cover for their fraudulent Transactions, the said Justices may order the same to be

How Property which has been seized, and is unclaimed or confiscated, shall be disposed of.

be

be delivered to the Keeper of the nearest House of Correction, or some other Person whom they may appoint, to be wrought up and disposed of under his Inspection; the free Proceeds of the same, when sold, to be applied as before directed.

Offenders shall
be deemed
competent
Witnesses

XII. And be it enacted, That where any Offender has been convicted of any Offence under this Act (except Perjury or Subornation of Perjury), and has endured the Punishment to which he has been adjudged, he shall not, after the Punishment so endured, be deemed to be by reason of such Offence an incompetent Witness in any Court or Proceeding, Civil or Criminal; and that the Informer or Prosecutor shall in every Case under this Act be deemed a competent Witness to prove the Offence charged.

Owners of
Materials de-
livered to Wea-
vers, &c. to be
worked up, may
at all reasonable
Hours enter into
Shops or Out-
houses to inspect
such Materials.

XIII. 'And whereas it frequently happens, by occasion of the very long Detention of such Materials as aforesaid, delivered out to Weavers, Sewers, or other Persons employed to work up the same, that it cannot be known to the Masters or Owners of such Materials whether the same may have been purloined or embezzled, or whether the said Materials are wholly or in part wrought or begun to be wrought, or in what State or Condition such Materials may be;' be it therefore enacted, That it shall be lawful for the Owner or Owners of any such Materials, or any other Person duly authorized by him or them, from Time to Time, as Occasion shall require, to demand Leave of Entrance, and enter, at all reasonable Hours in the Daytime, into the Shops or Outhouses of any Person or Persons employed by him or them to work up or manufacture any of the said Materials, or other Place or Places where the Work shall be carried on, and there to inspect the State and Condition of such Materials; and in case of Refusal by any such Person or Persons so employed to permit such Entrance or Inspection, such Owner or other authorized Person may go before the nearest Justice of the Peace, and make Oath that such Materials have been intrusted to a Weaver, Sewer, or other Person, and that he has reasonable Grounds for suspecting some Loss or Injury to the Property so intrusted as aforesaid, as such Person has refused to permit the same to be inspected; and it shall be lawful for such Justice, and he is hereby required, to issue his Warrant to search the Dwelling House and Premises of such Person; and if the whole of the Materials so intrusted cannot be found therein, or cannot be produced to the Constable executing the Warrant, such Constable shall apprehend such Person, and bring him before some Justice of the Peace, there to be examined; and if upon such Examination it shall be found that such Person has fraudulently sold, pawned, purloined, or embezzled, secreted, exchanged, or otherwise fraudulently disposed of any such Property, he shall be liable to any of the Punishments awarded for such Offence under this Act; but if it shall be found that no such Offence has been committed, such Person shall, for so refusing to permit such Entrance for reasonable Inspection, forfeit any Sum not exceeding Ten Shillings, as the Justice before

In case of Re-
fusal the Owner
may apply to
a Justice for a
Search War-
rant.

before whom he shall be examined shall think proper, to be applied, in the first place, in defraying the Expences of the Prosecution, and, in the next place, as any other Penalty under this Act.

XIV. And be it enacted, That if any Manufacturer, Agent, or any other Person duly authorized by him, shall make Oath before a Justice of the Peace that any such Materials as aforesaid have been intrusted to a Weaver, Sewer, or other Person, and that he has absconded, or that the Deponent has just Cause to suspect, and does suspect, that such Person is about to abscond, it shall be lawful for such Justice, and he is hereby required, to issue his Warrant to apprehend such Person, and bring him before him or some other Justice of the Peace; and if such Person shall have absconded, or shall not forthwith give Security, to be approved of by the said Justice, for the Return, in a finished State, of all such Materials so intrusted to him, within such Time as shall be then agreed on, such Justice shall, by Warrant, order any Constable with his Assistants to enter the House of such Person, and take possession of all such Materials so delivered to him as aforesaid (if a Warp on the Beam, with the Beam and Mountings), and to bring the same before the said Justice, when the said Justice will direct the same to be delivered to the Owner or other Person duly authorized by him, and forthwith release the Person in Custody; but if all such Materials are not in the House or Possession of such Person, or cannot be produced to such Constable, such Person shall be deemed and taken to have purloined or embezzled such Materials, and shall be liable to any of the Punishments awarded for such Offence: Provided always, that from and after the passing of this Act the Chief Constable or Chief of Police of any District, in the Absence of a Justice of the Peace, or where a Warrant could not be procured before the Offender would be enabled to effect his Escape, shall have full Power and Authority, upon receiving Information that a Person has absconded or is about to abscond, as above mentioned, and that there is Reason to apprehend that he will escape before a Warrant from a Justice can be procured, to order any Peace Officer or Constable to apprehend such Person, and bring him before a Justice of the Peace, or lodge him in a Police Office or other Place of Security, in order that he may be brought before a Justice of the Peace.

Justice may grant a Warrant on Complaint on Oath that a Person is about to abscond.

XV. Provided also, and be it enacted, That if it shall appear to such Justice that the Manufacturer or Agent, or other Person duly authorized by him, had no Foundation for suspecting that the Weaver or Person so intrusted would abscond, or that the Charge was made from a malicious, vexatious, or improper Motive, it shall be lawful for such Justice to award the said Weaver or Person such Sum of Money, not exceeding Ten Pounds, as to such Justice shall seem fit, which shall be paid by such Manufacturer, Agent, or Person as a Compensation for the Injury done, and in default of Payment shall

Penalty on bringing a malicious Charge before a Justice.

shall be levied by Distress upon such Manufacturer, Agent, or Person's Goods.

Tickets of Particulars shall be given out with the Work, and a Duplicate or Copy to be kept in a Weaving Book, and to be Evidence of Agreement.

XVI. And be it enacted, That with every Warp given out by a Manufacturer or Agent to a Weaver to be woven there shall be delivered a Note or Ticket, signed by such Manufacturer or Agent delivering out the same, stating the Length, Breadth, and particular Fabric and Denomination of the Work to be performed, the Number of Shots of Weft under the Glass which it is to count out of the Loom, the Time in which the said Work is to be finished and returned, and the Price, in Sterling Money, agreed on for executing each Yard Imperial Standard Measure of Thirty-six Inches of such Work in a workmanlike Manner; and a Duplicate of every such Note or Ticket, or a Copy of the substantial Contents of it in a Weaving Book, shall be made and kept by the Manufacturer or Agent delivering out the same; which said Note or Ticket, or (in case of the said Note or Ticket not being produced by the Weaver) which said Duplicate or Copy of the substantial Contents of it in a Weaving Book, in the event of a Dispute between a Manufacturer or Agent and Weaver, shall be Evidence of all such Matters and Things mentioned therein, or respecting the same.

Manufacturers neglecting or refusing to give Tickets or produce Duplicates, deprived of Remedy under this Act.

XVII. And be it enacted, That any Manufacturer or Agent refusing or neglecting to give such Note or Ticket in the Manner hereby prescribed, or not producing such Duplicate or Copy of the substantial Contents of the same, when prosecuting a Complaint against any Weaver or Person to whom Goods have been delivered out, shall be deprived of any Remedy he might otherwise be entitled to under this Act for the Recovery of any Property so delivered out, or for the Punishment of any Offender or Offenders against any of the Provisions thereof, in any Matter or Thing relating to the said Property so delivered out without a Ticket.

Penalty on Weavers, &c. not fulfilling their Agreements, &c. ;

XVIII. And be it enacted, That if any Weaver, Sewer, or other Person who shall be intrusted with any Linen, Hempen, Cotton, Silk, or Woollen Yarns, or any Two or more of these Materials mixed with each other, or Cloths made of any One or of any Mixture of these Materials, or Tools or Apparatus for manufacturing the same, shall not finish all such Cloths, and weave all such Yarns, in such Manner, or in such Reeds, or into Cloth of such Breadths, and return the same (together with the Tools or Apparatus, if required,) within Eight Days of the Time which shall have been agreed upon by the Owner of such Cloths or Yarns or his Agent, and such Weaver, Sewer, or other Person, unless prevented by some reasonable and sufficient Cause, to be allowed by the Court of Petty Sessions before which he shall be brought, or shall leave or return his Work before the same shall be completely finished, without the Consent of his Employer, then, in every such Case, such Weaver, Sewer, or Person, being thereof lawfully convicted, by the Oath of One or more credible

or returning Work before finished.

Witness

Witness or Witnesses before a Court of Petty Sessions, shall forfeit any Sum not exceeding Two Pounds, together with Costs, as the Court before which such Conviction shall take place shall judge to be most proper; and every such Forfeiture shall be applied, under the Direction of such Court, in manner following; (that is to say,) in the first place, the Expences of the Prosecution shall be thereout defrayed, and then such Satisfaction shall be made thereout to the Party injured as the said Court shall think proper; and the Remainder, if any, shall be applied in the same Manner as any other Penalty under this Act; and in default of immediate Payment, on Conviction, of such Forfeiture and Costs, the said Person so convicted shall be imprisoned in the Common Gaol or House of Correction, there to be kept to hard Labour for any Term not exceeding One Month, unless the Amount of such Forfeiture and Costs be sooner paid.

XIX. 'And whereas it frequently happens that Persons receive the Materials in fictitious Names in order to be manufactured; and that Persons receive such Materials in their own Names in order to be manufactured by themselves, and afterwards deliver the same to others to be manufactured, without the Knowledge or Consent of the Owners thereof; and that Carriers or other Persons employed to deliver Materials to Workmen to be prepared or manufactured do designedly deliver such Materials to other Persons than those intended by the Owner of such Materials;' be it therefore enacted, That if any Person shall receive any of the aforesaid Materials in a fictitious Name in order to be manufactured; or if any Person shall receive in his own Name any of the said Materials in order to be manufactured by himself, or on his own Premises, and afterwards (without the Consent of the Owner thereof) deliver the same or any Part thereof to any other Person to be manufactured; or if any Carrier or other Person employed to deliver any such Materials to any Workman, to be prepared or wrought up, shall designedly deliver the same to any Person other than the Person to whom such Materials were ordered or intended to be delivered by the Owner thereof; every such Person so offending, and being convicted thereof on the Oath of One or more credible Witness or Witnesses before a Court of Petty Sessions, shall for every such Offence be liable to the same Punishment as is by the Eighteenth Section of this Act directed in respect to Persons not fulfilling their Engagements.

XX. And be it enacted, That in Cases where any Weaver or Person shall have been committed for embezzling or illegally making away with a Part of the Property intrusted to him, or shall have been convicted of any other Offence against any of the Provisions of this Act, it shall be lawful for the Justice who committed such Person for embezzling or illegally making away with a Part of the Property intrusted to him, or for the Justice presiding at the Court of Petty Sessions before which he has been convicted for that or any other Offence, and he

Persons receiving Materials to be manufactured in a fictitious Name, or delivering the same to any other Person without the Consent of the Owner, &c shall be liable to the same Punishment as those not fulfilling their Engagements.

Justice to issue Warrant to Constable to take Possession of Property intrusted to any Person committed for embezzling a Part, or convicted of any other Offence.

he or they is or are hereby required, to issue his or their Warrant, authorizing a Constable, with his Assistants, to enter the House and Premises of such Weaver or Person, and take possession of all such Property so intrusted as shall be found therein (if a Warp on the Beam, with the Beam and Mountings), and to bring the same before the said Justice or Justices, when the said Justice or Justices shall direct the same to be delivered to the Manufacturer, Agent, or Person duly authorized to receive the same.

Cloths, &c.
intrusted for
manufacturing
not liable to
Seizure for
Rent or any
other Debt of
the Worker.

XXI. And be it enacted, That if any Landlord or other Person shall seize, carry off, or sell, by virtue of any Distress Warrant, Execution, or other Proceeding for Rent in arrear, or Money due or alleged to be due, by a Weaver or Worker, or on any other Account whatever, any Cloths, Yarns, Materials, or Tools or Apparatus for manufacturing the same, belonging to a Manufacturer or Agent, and intrusted by him to such Weaver or Worker for the Purpose of Manufacture, or any Tools or Apparatus actually employed in manufacturing such Cloths or Yarns, and shall refuse to restore Possession of all such Property to such Manufacturer or Agent when demanded by him, or some Person duly authorized by him, on such Manufacturer or Agent tendering Security for the Return of such Tools or Apparatus as may not belong to him as soon as the Work shall be finished, any Justice of the Peace, upon Complaint on Oath before him, shall, by Notice under his Hand, require such Landlord or other Person to restore Possession of all such Property so seized and carried off or sold, or the full Value thereof, and in case of Refusal shall issue his Warrant to levy, by Distress and Sale of the Goods and Chattels of such Landlord or Person, the full Value of the Property intrusted, or, if returned without the necessary Apparatus, the Amount of such Injury or Damage as it may have sustained, together with all Costs of recovering and levying the same.

Masters refusing to pay Wages to Workmen when due may be summoned before a Court of Petty Sessions.

XXII. And be it enacted, That if any Manufacturer or Agent employing or retaining any Weaver or Person shall not from Time to Time, on the regular appointed Days and Hours of Attendance, pay and discharge all Wages and Hire as the same shall become due to any such Weaver or Person, such Weaver or Person may summon such Manufacturer or Agent before a Court of Petty Sessions; and the Justices presiding may hear and determine such Complaint, and order immediate Payment of the Sum found due, together with Costs for Loss of Time, and of recovering the same, and in default of immediate Payment shall issue their Warrant to levy the same by Distress and Sale of the Goods and Chattels of said Manufacturer or Agent; and the said Justices, if they shall think fit, may also, by Order in Writing, authorize such Weaver or Person to return his Work unfinished, in which Case such Weaver or Person shall not be liable to the Penalties awarded by this Act.

Masters not furnishing sufficient Ma-

XXIII. And be it enacted, That if any Manufacturer or Agent employing or retaining any Weaver or Person shall not furnish

furnish him with a sufficient Quantity of Materials to finish his Work, but shall by withholding such Materials keep him or cause him to be kept idle, such Weaver or Person may summon such Manufacturer or Agent before a Court of Petty Sessions; and the Justices presiding may, on such Complaint being proved before them, award such Weaver or Person such fair and reasonable Remuneration for any Loss that he may have sustained by the withholding of said Materials as such Justices shall think fit; said Remuneration, together with Costs of recovering and levying the same, to be levied by Distress and Sale of Goods and Chattels of said Manufacturer or Agent; and the said Justices, if they shall think fit, may authorize such Weaver or Person to return his Work unfinished as above mentioned: Provided always, that if any Question shall arise under this or the preceding Sections which the Justices are unable to decide upon, they may, if they think fit, refer it to Arbitration, to be settled in the Manner provided by the Act of the Fifth Year of King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Arbitration of Disputes between Masters and Workmen.*

materials to Workmen, and thereby keeping them idle, may be summoned before a Court of Petty Sessions.

5 G. 4. c. 96.

XXIV. And for the Discouragement of frivolous and vexatious Informations and Prosecutions under this Act, be it enacted, That it shall be lawful for any Court of Petty or of General or Quarter Sessions, before whom any Case under this Act is tried, to award Costs to the Defendant in case of Acquittal, to be paid by the Prosecutor; and also, if it shall appear to such Court that the Charge was made from a malicious, vexatious, or improper Motive, it shall be lawful for such Court to award to the Defendant such further Sum of Money, not exceeding Twenty Pounds, as to such Court shall seem fit, to be paid by such Prosecutor as a Compensation for the Injury done; and in default of Payment such Costs and Penalty shall be levied by Distress upon such Prosecutor's Goods.

Penalty for bringing a malicious Charge before the Court.

XXV. And be it enacted, That in every Case of summary Conviction under this Act, not specially provided for, where the Sum which shall be imposed as a Penalty by a Justice of the Peace or a Court of Petty Sessions, together with such Wages for Loss of Time as may be awarded against any Manufacturer or Agent, and the Costs, if awarded, which Costs such Justice or the Justices presiding at said Court is and are hereby authorized to award, if he or they think fit, in any Case of a Conviction under this Act, shall not be paid immediately after the Conviction, or where a Warrant of Distress shall be issued, and no sufficient Distress shall be found, it shall be lawful for the convicting Justice to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justices, for any Term not exceeding One Calendar Month, where the Amount of the Sum forfeited, or of the Penalty imposed, with or without Wages, together with Costs, shall not exceed Five Pounds, and for any Term

Scale of Imprisonment on summary Convictions under this Act not specially provided for.

not exceeding Two Calendar Months where such Amount shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Three Calendar Months in any other Case, unless the Amount and Costs be sooner paid.

Limitation of Time within which Proceedings must be commenced.

Justice of the District in which the Work is given out to] have Authority to act.

XXVI. And be it enacted, That in all Cases of Complaint of any Offence or Offences committed against the Provisions of this Act Complaint is to be made within Four Months from the Commission of the same, unless the offending Party may have in the meantime left the Country; and in all Cases where the Complaint is either made by a Manufacturer or Agent against a Weaver or Worker, or by a Weaver or Worker against any Manufacturer or Agent, the nearest Justice of the Peace of the District in which the Cloths, Yarns, Materials, Tools, or Apparatus are given out to the Weaver or Worker, and taken in from him, whether such Weaver or Worker resides within the District or County or not, shall have full Power and Authority and is hereby required to act when applied to; and in all such Cases the Court of Petty Sessions or of Quarter Sessions of the said District is hereby authorized and required to hear and determine such Complaint.

One Justice competent to receive Information and issue Warrant, &c.

XXVII. And be it enacted, That in all Cases where by this Act any Court of Petty Sessions or of General or Quarter Sessions is authorized and required to hear and determine any Complaint, One Justice of the Peace shall be competent to receive the original Information or Complaint, and to issue the Warrant to apprehend the Offender and commit him to Prison, in order that he may be brought forward for Trial (unless he enter into such Bail as may be required for his Appearance at such Time and Place as shall be appointed), or to issue the Summons requiring the Parties to appear before a Court of Petty Sessions; and after Examination on Oath into the Merits of said Complaint, and the Adjudication thereupon by the Justices presiding at any such Court of Petty Sessions being made, all and every the subsequent Proceedings to enforce Obedience thereto or otherwise, whether respecting the Penalty, Fine, Imprisonment, Costs, or Matter or Things relating to the Offence, may be enforced by any One of the Justices.

Adjudication of the Justices at Petty Sessions may be enforced by any One of such Justices.

Construction of Terms.

XXVIII. And be it enacted, That in all Cases under this Act, Singular is to include Plural, and Masculine Feminine; and in an Indictment or Information for Offences against the Property of Partners, Joint Stock Companies, or Trustees, it shall be sufficient to lay the Ownership in the Name of One Partner or Trustee and others.

Application of Penalties.

XXIX. And be it enacted, That all Forfeitures and Penalties upon Convictions under this Act, not specially provided for, shall be paid, under the Order of the Court or Justice convicting, to any One or more public Charities within the County, Town, or Place wherein such Conviction shall take place.

Appeals from summary Con-

XXX. And be it enacted, That in all Cases of summary Conviction before a Justice of the Peace or Court of Petty Sessions

Sessions under this Act, where the Sum adjudged to be paid shall exceed Two Pounds, or Imprisonment shall exceed One Month, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be held for the County, Town, or Place where such Conviction shall have been made, (such Person, at the Time of such Conviction, giving to such Justice, or the Justices presiding at such Court, Notice in Writing of his Intention to appeal, and also entering into a Recognizance at the Time of such Notice, with Two solvent and sufficient Sureties, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall by the Court be awarded,) and upon such Notice being given and such Recognizance being entered into the Justice or Justices before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court, at such Sessions, shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal, or the Confirmance of the Conviction, the Court shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs, if any, as shall be awarded, and shall, if necessary, issue Process for enforcing Judgment.

victions to the
General or
Quarter Ses-
sions.

XXXI. And be it enacted, That no such Conviction, nor Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Recovery; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a good and valid Conviction to sustain the same.

Conviction not
to be quashed
for Want of
Form or re-
moved by Cer-
tiorari.

XXXII. And be it enacted, That, for the Protection of Persons acting in the Execution of this Act, all Actions and Prosecutions for Damage to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was or is charged to have been committed, and shall be commenced within Two Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, or in case of any Action of Replevin may avow generally that the Goods and Chattels in question were taken under and by virtue of this Act, and may give this Act and the special Matter in Evidence at the Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, nor if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Avowant: Provided always, that in all such Actions of Damages

Limitation of
Actions.

General Issue.

Tender of
Amends.

the Plaintiff shall be bound to establish, not merely that Damages have been suffered by him, but that the same have been wilfully and maliciously caused by the Defendant or Avowant.

Not to repeal
any Act not
hereby repealed.

XXXIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to repeal any Act or Statute, or Part thereof, now in force, and not repealed by this Act.

Public Act.

XXXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Act to extend
to Ireland, and
continue for
One Year.

XXXV. And be it enacted, That this Act shall extend to *Ireland* only, and shall commence and take effect from and after the End of this present Session of Parliament, and shall continue to be in force for One Year, and from thence to the End of the then next Session of Parliament.

CAP. XCII.

An Act for enabling Courts of Justice to admit
Non-parochial Registers as Evidence of Births or
Baptisms, Deaths or Burials, and Marriages.

[10th August 1840.]

‘ WHEREAS by a Commission under the Great Seal, bearing Date the Thirteenth Day of *September* in the Seventh Year of the Reign of His late Majesty, certain Persons therein named were appointed Commissioners for inquiring into the State, Custody, and Authenticity of any Registers or Records of Births or Baptisms, Deaths or Burials, and Marriages lawfully solemnized, as had been kept in *England* and *Wales*, other than the Parochial Registers, and the Copies thereof deposited with the Diocesan Registrars, and for inquiring whether any and what Measures could be beneficially adopted for collecting and arranging and depositing such Registers or Records, and for considering and advising the proper Measures to be adopted for giving full Force and Effect as Evidence in all Courts of Justice to all such Registers as were found accurate and faithful, and for facilitating the Production and Reception of the same; and by another Commission under the Great Seal, issued in the First Year of Her present Majesty, the Powers and Duties of the said Commissioners were continued: And whereas there are now about Seven thousand Registers in the Custody of the said Commissioners, which by their Report to Her Majesty, bearing Date the Eighteenth Day of *June* One thousand eight hundred and thirty-eight, they have recommended to be kept together in some secure Place of Deposit, and to be deemed to be in legal Custody, and to be receivable in Evidence in all Courts of Justice, subject to certain Conditions and Restrictions therein recommended:’ Be it therefore

*amended by
21 & 22 V.C. 25*

fore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Registrar General of Births, Deaths, and Marriages in *England* shall receive, and deposit in the General Register Office, all the Registers and Records of Births, Baptisms, Deaths, Burials, and Marriages now in the Custody of the Commissioners appointed by Her Majesty as aforesaid, and which they have by their said Report recommended to be kept in some secure Place of Deposit, and also the several Registers and Records mentioned in the Schedules (H.), (I.), (P.), and (Q.), annexed to the said Report of the said Commissioners, and also such other Registers as are herein-after directed to be deposited with him: Provided that none of the said Registers or Records not already in the Custody of the said Commissioners shall be received by the Registrar General, unless the Person or Persons now having the Custody thereof shall, within Three Calendar Months from the passing of this Act, send the same to the said Commissioners for Examination by them.

Certain Registers to be deposited in the Custody of the Registrar General.

Proviso as to Registers not received.

II. And be it enacted, That such of the said Commissioners as are now living shall be continued Commissioners for the Purposes herein-after mentioned for the Space of Twelve Calendar Months from the passing of this Act, and they are hereby authorized, from Time to Time during the said Twelve Months, to inquire into the State, Custody, and Authenticity of every Register or Record of Birth, Baptism, Naming, Dedication, Death, Burial, and Marriage which shall be sent to them within Three Calendar Months from the passing of this Act, and such as they shall find accurate and faithful they shall certify under the Hands and Seals of Three or more of them (of whom the Registrar General shall not be One) as fit to be placed with the other Registers and Records hereby directed to be deposited in the said Office; and the Registrar General, upon receiving the said Certificate of the said Commissioners, accompanied by an Order of One of Her Majesty's Principal Secretaries of State, shall receive such Registers and Records, and deposit them with the Registers and Records which are now in the Custody of the said Commissioners.

Continuance of Commissioners for 12 Months.

Their Duty.

III. And be it enacted, That every Office or Place where any Registers or Records which by this or any other Act are directed to be in the Custody of the Registrar General shall be deposited by Direction of the Registrar General, with the Approval of the Lord High Treasurer, or Three or more Commissioners of Her Majesty's Treasury, shall be deemed to be a Branch or Part of the General Register Office, so long as such Registers or Records shall remain therein, and the Execution of this Act shall be deemed to be a Part of the Business of the General Register Office.

Declaratory Provisions as to the General Register Office.

IV. And be it enacted, That the said Commissioners shall from Time to Time deliver to the Registrar General a descriptive List or Lists of all the Registers and Records now in their

Commissioners to identify the Registers deposited.

their Custody, and also of all the Registers and Records which shall be so certified as fit to be placed with the other Registers and Records in the General Register Office, containing such Particulars, and referring to the Registers and Records in such Manner, as in the Opinion of the Registrar General shall be sufficient to identify every such Register and Record; and Three or more of the said Commissioners, (of whom the Registrar General shall not be One,) shall certify under their Hands, upon some Part of every separate Book or Volume containing any such Register or Record, that it is one of the Registers or Records deposited in the General Register Office pursuant to this Act, and in every Case in which the Commissioners shall certify to the Registrar General as aforesaid that certain Parts only of such Registers or Records appear to them to be original or authentic, the Commissioners shall refer in the descriptive List or Lists, and also in the Certificate upon such Book or Volume, to those Parts, in such Manner as to identify them to the Satisfaction of the Registrar General,

Lists to be
made;

which shall be
open to Search;

*So. 5 to 19 to be
admitted & Reg
deposited under
21 & 22 V.C. 25
in 1. 3*

and certified
Extracts had
therefrom.

Registers
deemed in legal
Custody, and
shall be re-
ceivable in
Evidence.

V. And be it enacted, That the Registrar General shall cause Lists to be made of all the Registers and Records which may be placed in his Custody by virtue of this Act; and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the said Lists, and any Register or Record therein mentioned, between the Hours of Ten in the Morning and Four in the Afternoon of every Day, except *Sundays* and *Christmas Day* and *Good Friday*, but subject to such Regulations as may be made from Time to Time by the Registrar General, with the Approbation of One of Her Majesty's Principal Secretaries of State, and to have a certified Extract of any Entry in the said Registers or Records, and for every Search in any such Register or Record shall be paid the Sum of One Shilling, and for every such certified Extract the Sum of Two Shillings and Sixpence, and no more.

VI. And be it enacted, That all Registers and Records deposited in the General Register Office by virtue of this Act, except the Registers and Records of Baptisms and Marriages at the *Fleet* and *King's Bench* Prisons, at *May Fair*, at the *Mint* in *Southwark*, and elsewhere, which were deposited in the Registry of the Bishop of *London* in the Year One thousand eight hundred and twenty-one, as herein-after mentioned, shall be deemed to be in legal Custody, and shall be receivable in Evidence in all Courts of Justice, subject to the Provisions herein-after contained; and the Registrar General shall produce or cause to be produced any such Registrar or Record, on Subpoena or Order of any competent Court or Tribunal, and on Payment of a reasonable Sum, to be taxed as the Court shall direct, and to be paid to the Registrar General, on account of the Loss of Time of the Officer by whom such Register or Record shall be produced, and to enable the Registrar General to defray the travelling and other Expences of such Officer.

VII. And

VII. And be it enacted, That every Sum received under the Provisions of this Act by or on account of the Registrar General shall be accounted for and paid by the Registrar General, at such Times as the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* from Time to Time shall direct, into the Bank of *England*, to the Credit of Her Majesty's Exchequer, according to the Provisions of an Act passed in the Fourth Year of His late Majesty King *William the Fourth*, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*. Fees to be accounted for. 4 & 5 W. 4. c. 15.

VIII. And be it enacted, That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register or Record of Birth or Baptism, Naming or Dedication, Death or Burial, or Marriage, which shall be deposited with the Registrar General by virtue of this Act, or any Part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or Record, or shall wilfully insert or cause to be inserted in any of such Registers or Records any false Entry of any Birth or Baptism, Naming or Dedication, Death or Burial, or Marriage, or shall wilfully give any false Certificate, or shall certify any Writing to be an Extract from any Register or Record knowing the same Register or Record to be false in any Part thereof, or shall forge or counterfeit the Seal of the said Office, shall be guilty of Felony. Wilful Injury or Forgery of Registers, Felony.

IX. And be it enacted, That the Registrar General shall certify all Extracts which may be granted by him from the Registers or Records deposited or to be deposited in the said Office, and made receivable in Evidence by virtue of the Provisions herein contained, by causing them to be sealed or stamped with the Seal of the Office; and all Extracts purporting to be stamped with the Seal of the said Office shall be received in Evidence in all Civil Cases, instead of the Production of the original Registers or Records containing such Entries, subject nevertheless to the Provisions herein-after contained. Extracts from Registers to be stamped with the Seal of Office.

X. And be it enacted, That every Extract granted by the Registrar General from any of the said Registers or Records shall describe the Register or Record from which it is taken, and shall express that it is one of the Registers or Records deposited in the General Register Office under this Act; and the Production of any of the said Registers or Records from the General Register Office, in the Custody of the proper Officer thereof, or the Production of any such certified Extract containing such Description as aforesaid, and purporting to be stamped with the Seal of the said Office, shall be sufficient to prove that such Register or Record is one of the Registers and Records deposited in the General Register Office under this Act, in all Cases in which the Register or Record, or any certified Extract therefrom, is herein respectively declared admissible in Evidence. Extracts to describe the Register whence taken. Production of Register shall be sufficient.

Certified Extracts may be used in Courts of Law and Sessions, upon Notice given.

XI. And be it enacted, That in case any Party shall intend to use in Evidence on the Trial of any Cause in any of the Courts of Common Law, or on the Hearing of any Matter which is not a Criminal Case at any Session of the Peace in *England* or *Wales*, any Extract, certified as herein-before mentioned, from any such Register or Record, he shall give Notice in Writing to the opposite Party, his Attorney or Agent, of his Intention to use such certified Extract in Evidence at such Trial or Hearing, and at the same Time shall deliver to him, his Attorney or Agent, a Copy of the Extract, and of the Certificate thereof; and on Proof by Affidavit of the Service or on Admission of the Receipt of such Notice and Copy such certified Extract shall be received in Evidence at such Trial or Hearing, if the Judge or Court shall be of opinion that such Service has been made in sufficient Time before such Trial or Hearing to have enabled the opposite Party to inspect the original Register or Record from which such certified Extract had been taken, or within such Time as shall be directed by any Rule to be made as herein-after provided.

If the Original be used, Notice must nevertheless be given.

XII. And be it enacted, That in case any Party shall intend to use in Evidence on such Trial or Hearing any original Register or Record (instead of such certified Extract), he shall nevertheless, within a reasonable Time, give to the opposite Party Notice of his Intention to use such original Register or Record in Evidence, and deliver to such opposite Party a Copy of a certified Extract of the Entry or Entries which he shall intend to use in Evidence.

Certified Extracts may be used in Evidence on Examination of Witnesses, or at the Hearing of the Cause in Courts of Equity, upon Notice.

XIII. And be it enacted, That in case any Party shall intend to use in Evidence on any Examination of Witnesses, or at the Hearing of any Cause in any Court of Equity, any Extract, certified as herein-before mentioned, he shall, Ten clear Days at the least before Publication shall pass in any Cause where no Commission has issued for the Examination of the Witnesses of the Party intending to give such Evidence, or where such Commission shall issue then Seven clear Days at the least before the opening of such Commission, deliver to the Clerk or Clerks in Court of the opposite Party or Parties a Notice in Writing of his Intention to use such certified Extract in Evidence on the Examination of Witnesses or at the Hearing of the Cause (as the Case may be), and shall at the same Time deliver to the Clerk or Clerks in Court of the opposite Party or Parties a Copy or Copies of such Extract, and of the Certificate thereof, and thereupon such certificated Extract shall be received in Evidence; provided that at the Hearing of the Cause the Service of such certified Copy and Notice be admitted or proved by Affidavit.

If the Original be used, Notice must nevertheless be given.

XIV. And be it enacted, That in case any Party shall intend to use in Evidence, on such Examination or Hearing in any Court of Equity, any original Register or Record (instead of such certificated Extract), he shall nevertheless, within the Number of Days herein-before respectively mentioned, deliver

to

to the Clerk or Clerks in Court of the opposite Party or Parties a Notice of his Intention to use such original Register or Record in Evidence, together with a Copy of a certified Extract of the Entry or Entries which he shall intend to use in Evidence.

XV. And be it enacted, That in case any Party shall intend to use in Evidence, upon any Petition, Motion, or other interlocutory Proceedings in any Court of Equity or in the Master's Office, any Extract, certified as herein-before mentioned, he shall produce to the Court or Master (as the Case may be) an Extract, certified as herein-before mentioned, accompanied by an Affidavit stating the Deponent's Belief that the Entry or Entries in the original Register or Record is correct and genuine.

Certified Extract to be used in interlocutory Proceedings, and in the Master's Office.

XVI. And be it enacted, That in case any Party shall intend to use in Evidence in any Ecclesiastical Court, or in the High Court of Admiralty, any Extract, certified as herein-before mentioned, he shall plead and prove the same in the same Manner to all Intents and Purposes as if the same were an Extract from a Parish Register, save and except that any such Extract, certified as herein-before mentioned, shall be pleaded and received in Proof without its being necessary to prove the Collation of such Extract with the original Register or Record: Provided always, that the Judge of the Court, on Cause shown by any Party to the Suit (or of his own Motion when the Proceedings are *in pœnam*), may, after Publication, issue a Monition for the Production at the Hearing of the Cause of the original Register or Record containing the Entry to which such certified Extract relates.

Certified Extract to be used in Ecclesiastical Courts;

and the Judge may order the Production of the Original.

XVII. And be it enacted, That in all Criminal Cases in which it shall be necessary to use in Evidence any Entry or Entries contained in any of the said Registers or Records, such Evidence shall be given by producing to the Court the original Register or Record.

In Criminal Cases the Originals to be produced.

XVIII. And be it enacted, That at any Time within Three Years from the passing of this Act such Rules may be made, by the Authority herein-after specified, for regulating the Mode of Reception of the said Registers or Records, or certified Extracts therefrom, in Evidence in the Courts herein-after mentioned, and for regulating the Notice herein-before directed to be given, and the Costs of producing such Registers or Records or Extracts, as shall seem expedient, which Rules, Orders, and Regulations shall be laid before both Houses of Parliament, and shall take effect within Six Weeks after the same shall have been so laid before Parliament, and shall thereupon be binding and obligatory upon the said Courts respectively and be of the like Force and Effect as if the Provisions contained therein had been herein expressly enacted.

Rules to be made to regulate the Practice as to Admission of Registers.

XIX. And be it enacted, That such Rules shall be made for the High Court of Chancery by the Lord High Chancellor and the Master of the Rolls, and for the Courts of Queen's Bench, Common Pleas, and Exchequer, by Eight or more Judges of the

Who shall make such Rules.

the last-mentioned Courts, of whom the Chiefs of each of the last-mentioned Courts shall be Three, and for the High Court of Admiralty by the Judge of the Court of Admiralty, and for the Ecclesiastical Courts in *England* and *Wales* by the Official Principal of the Court of Arches, with the Chancellor of the Diocese of *London*, or with the Commissary of the Diocese of *Canterbury*.

Fleet and May
Fair Registers,
&c.

XX. And be it enacted, That the several Registers and Records of Baptisms and Marriages performed at the *Fleet* and *King's Bench* Prisons, at *May Fair*, and at the *Mint* in *Southwark*, and elsewhere, which were deposited in the Registry of the Bishop of *London* in the Year One thousand eight hundred and twenty-one, by the Authority of One of His late Majesty's Principal Secretaries of State, shall be transferred from the said Registry to the Custody of the Registrar General, who is hereby directed to receive the same for safe Custody: Provided nevertheless, that none of the Provisions herein-before contained respecting the Registers and Records made receivable in Evidence by virtue of this Act shall extend to the Registers and Records so deposited in the Registry of the Bishop of *London* in the Year One thousand eight hundred and twenty-one as aforesaid.

Act may be
amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament,

CAP. XCIII.

An Act to amend the Act for the better Regulation of Ecclesiastical Courts in *England*.

[10th August 1840.]

‘ WHEREAS it is expedient to make further Regulations for the Release of Persons committed to Gaol under the Writ De contumace capiendo:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Judicial Committee of Her Majesty's Most Honourable Privy Council, or the Judge of any Ecclesiastical Court, if it shall seem meet to the said Judicial Committee or Judge, to make an Order upon the Gaoler, Sheriff, or other Officer in whose Custody any Party is or may be hereafter, under any Writ De contumace capiendo already issued or hereafter to be issued, in consequence of any Proceedings before the said Judicial Committee or the Judge of the said Ecclesiastical Court, for discharging such Party out of Custody; and such Sheriff, Gaoler, or other Officer shall on Receipt of the said Order forthwith discharge such Party: Provided always, that no such Order shall be made by the said Judicial Committee or Judge without

Privy Council
may order Dis-
charge of Per-
sons in Custody
under Writ
De contumace
capiendo.

without the Consent of the other Party or Parties to the Suit: Provided always, that in Cases of Subtraction of Church Rate for an Amount not exceeding Five Pounds where the Party in contempt has suffered Imprisonment for Six Months and upwards, the Consent of the other Parties to the Suit shall not be necessary to enable the Judge to discharge such Party, so soon as the Costs lawfully incurred by reason of the Custody and Contempt of such Party shall have been discharged, and the Sum for which he may have been cited into the Ecclesiastical Court shall have been paid into the Registry of the said Court, there to abide the Result of the Suit; and the Party so discharged shall be released from all further Observance of Justice in the said Suit.

II. And be it enacted, That any such Order may be in the Form of Order Form given in the Schedule annexed to this Act.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

SCHEDULE.

WARRANT OF DISCHARGE.

To the Sheriff [Gaoler, or Keeper, as the Case may be,]
of in the County of .

FORASMUCH as good Cause hath been shown to us
[or me] [here insert the Description of the Judicial Committee or
Judge, as the Case may be,] wherefore A. B. of now
in your Custody, as it is said, under a Writ De contumace
capiendo, issued out of [here insert the Description of the Court
out of which the Writ issued], in a Suit in which [here insert the
Description of the Parties to the Suit], should be discharged from
Custody under the said Writ; we [or I], therefore, with the
Consent of the said [here insert the Description of the Parties
consenting], command you, on behalf of our Sovereign Lady the
Queen, that if the said A. B. do remain in your Custody for the
said Cause and no other, you forbear to detain him [or her]
any longer, but that you deliver him [or her] thence, and suffer
him [or her] to go at large, for which this shall be your sufficient
Warrant.

Given under the Seal of _____ at _____ the _____
Day of _____ in the Year of our Lord _____.
A.B., Registrar or Deputy Registrar
[or, as the Case may be].

CAP. XCIV.

An Act for facilitating the Administration of Justice in the Court of Chancery. [10th August 1840.]

‘ WHEREAS it would greatly contribute to the diminishing of Expence and Delay in Suits in the Court of Chancery if the Process, Pleadings, and Course of Proceeding therein were in some respects altered, but this cannot be conveniently done otherwise than by Rules or Orders of the Judges of the said Court from Time to Time to be made, and Doubts may arise as to the Power of the said Judges to make such Alterations as may be expedient without the Authority of Parliament: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or One of them, may and he is hereby required, by any Rules and Orders to be from Time to Time by him made with such Advice and Consent as aforesaid, at any Time within Five Years from the passing of this Act, to make such Alterations as may seem expedient in the Form of Writs and Commissions, and the Mode of sealing, issuing, executing, and returning the same, and also in the Form of and Mode of filing Bills, Answers, Depositions, Affidavits, and other Proceedings, and in the Form and Mode of obtaining Discovery by Answer in Writing or otherwise, and in the Form and Mode of Pleading, and in the Form and Mode of taking or obtaining Evidence, and generally in the Form and Mode of proceeding to obtain Relief, and in the general Practice of the Court with relation thereto, and also in the Form and Mode of proceeding before the Masters, and in the Form and Mode of drawing up, entering, and enrolling Orders and Decrees, and of making and delivering Copies of Pleadings and other Proceedings, and to make such Regulations as to the Taxation, Allowance, and Payment of Costs, and for altering, superintending, controlling, and regulating the Business of the several Offices of the Court, and also of collecting the Fees payable to the Suitors Fee Fund, and for directing the Payment into the Suitors Fee Fund of the Copy Money now received by any of the Officers to their own Use, and otherwise for carrying into effect the said Alterations, as to them may seem proper; and all such Rules, Orders, and Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making and issuing of the same, or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have effect until each House of Parliament shall have actually sat Thirty-six Days after the same shall have been laid before each House of Parliament as aforesaid; and every Rule, Order

Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, to make Alterations in Forms and Mode of Proceedings.

repealed from
the Statute in
45 V.C. 52

or Regulation so made shall from and after the Time aforesaid be binding and obligatory on the said Court, and be of like Force and Effect, as if the Provisions contained therein had been expressly enacted by Parliament, unless the same shall, by Vote of either House of Parliament, be objected to.

II. And be it enacted, That from and after the passing of this Act such additional Officers, Clerks, and Messengers, in any of the present or future Offices of the Court, as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellor, or One of them, shall determine to be necessary and proper, shall and may be from Time to Time appointed.

Additional
Officers, &c.
may be ap-
pointed.

*reasonable
in 5/65-49*

III. And be it enacted, That the Officers, Clerks, and Messengers who shall be appointed as herein-before directed, and the present Officers, Clerks, and Messengers of the said Court, shall receive by way of Salary or additional Salary for the Performance of their several Duties such annual Sums as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine; and that the same, and the Expence of copying and writing for the said Court or any of the Officers thereof, shall be paid and payable under an Order of the said Court of Chancery out of the Interest and Dividends of the Government or Parliamentary Securities which may at any Time be standing in the Name of the Accountant General of the High Court of Chancery to an Account entitled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and to an Account entitled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or either of them (but subject and without Prejudice to the Payment of any Salaries and other Sums of Money by any Act or Acts of Parliament now in force directed or authorized to be paid thereout); provided that nothing herein contained shall authorize the Diminution of any of the several Salaries to which the present Officers, Clerks, and Messengers are now entitled.

Present and
future Salaries
and Expences
of Writing for
the Court to be
paid out of the
Suitors Fund.

IV. And whereas the Emoluments of some of the Officers of the said Court may be diminished by the Operation of this Act, or by the Rules and Orders to be made thereunder, for which they may claim to have Compensation made; be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby required, within the Space of Six Calendar Months after any such Claim shall arise and be made, by Examination on Oath or otherwise, (which Oath they and each of them are and is hereby authorized to administer,) to inquire whether any, and if any what, Compensation, ought to be made to any Officer or Person claiming such Compensation; the said Commissioners having regard to the Conditions on which the Appointment of any such Officer was made, or to any Notice which at the Time of such Appoint-
ment

Compensation
for Diminution
of Emoluments
to be made to
Officers out
of the Suitors
Fund.

ment may have been given to such Officer that such Office was to be holden subject to any Provision by Parliament for the Abolition or Regulation thereof, but with full Power for the said Commissioners to investigate and determine whether, from the Nature of the said Offices or the Mode of Accession thereto, any such Conditions or Notice could have been properly made or given, and also having regard to the holding of any Office, Place, or Situation by such Officer under this Act; and that in all Cases in which it shall appear to the said Commissioners that Compensation ought to be granted it shall be lawful for the said Commissioners or any Three or more of them, by Warrant under their Hands, to order and direct that such annual or other Compensation shall be made to the Persons so claiming such Compensation as aforesaid, or any of them, as to the said Commissioners in their Discretion shall seem just and reasonable; and all such Compensations, whether annual or in gross, shall be issued and paid and payable by the said Accountant General of the said Court of Chancery, by virtue of an Order or Orders for that Purpose to be made by the said Court of Chancery, out of the Interest and Dividends that have arisen or may hereafter arise from the Government or Parliamentary Securities now or hereafter to be placed to the said Two Accounts in the Bank of *England* standing in the Name of the said Accountant General of the said Court of Chancery, and entitled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery" (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are authorized to be paid thereout): Provided always, that an Account of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next assembled.

Account of
Compensation
granted to be
laid before Par-
liament.

Interpretation
Clause.

V. And be it enacted, That in the Construction of this Act the Expression "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being.

Act may be
amended, &c

VI. And be it enacted, That this Act may be altered, amended, or repealed during the present Session of Parliament.

CAP. XCV.

An Act to enable Her Majesty to carry into effect certain Stipulations contained in a Treaty of Commerce and Navigation between Her Majesty and the Emperor of *Austria*; and to empower Her Majesty to declare, by Order in Council, that Ports which are the most natural and convenient Shipping Ports of States within whose Dominions they are not situated may in certain Cases be considered, for all Purposes of Trade with Her Majesty's Dominions, as the National Ports of such States. [10th August 1840.]

WHEREAS by an Act passed in the Session of Parliament of the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the Encouragement of British Shipping and Navigation*, certain Goods therein enumerated, being the Produce of *Europe*, are prohibited to be imported into the United Kingdom to be used therein except in *British* Ships, or in Ships of the Country of which the Goods are the Produce, or in Ships of the Country from which the Goods are imported: And whereas a Treaty of Commerce and Navigation was entered into in the Year One thousand eight hundred and thirty-eight between Her Majesty and the Emperor of *Austria* whereby the Commercial Inter-course between *Great Britain* and *Austria* has been greatly increased: And whereas the *Danube* is the principal Outlet for the Produce of a great Part of the *Austrian* Dominions, and the Ports of the *Danube* which belong to the Dominions of *Turkey* are the natural Shipping Ports for such Produce; and by the Fourth Article of the said Treaty of Commerce and Navigation it was agreed that all *Austrian* Vessels arriving from the Ports of the *Danube* as far as *Galatz* inclusively should, together with their Cargoes, be admitted into the Ports of the United Kingdom of *Great Britain* and *Ireland*, and of all the Possessions of Her *Britannic* Majesty, exactly as if such Vessels came direct from *Austrian* Ports, with all the Privileges and Immunities stipulated by the said Treaty of Navigation and Commerce: And whereas it is desirable, both in order to preserve good Faith with *Austria* and to secure to *British* Subjects the Benefits of the said Treaty, that Her Majesty should be enabled to carry the Stipulations of the said Fourth Article into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful, notwithstanding any thing contained in the said Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, for Her Majesty from Time to Time to declare

3 & 4 W. 4. c. 54.

Her Majesty, by Order in Council, may direct certain *Austrian* Vessels to be ad-

mitted into the Ports of the United Kingdom, although the Cargoes may not be the Produce of Austria.

declare by Her Order in Council, to be published in the *London Gazette*, that all *Austrian* Vessels arriving from the said Ports of the *Danube* as far as *Galatz* inclusively shall, together with their Cargoes, whether such Cargoes be the Produce of *Austria* or not, be admitted into the Ports of the United Kingdom of *Great Britain* and *Ireland*, and of all Possessions of Her Majesty, exactly in the same Manner as if such Vessels came direct from *Austrian* Ports; and thereupon, and for so long a Time as such Order shall be declared to be in force or shall remain unrevoked, it shall be lawful to import into the *British* Dominions from such Ports of the *Danube*, in *Austrian* Ships, any Goods which by the Laws in force at the Time of such Importation might be there imported in *Austrian* Ships from *Austrian* Ports.

Her Majesty, by Order in Council, may direct Foreign Vessels to be admitted to British Ports, although sailing from Ports not within the Dominions of the Country to which such Vessels belong.

II. 'And whereas by the Application of Steam Power to ' Inland Navigation, and the Facility thereby afforded of ' ascending Rivers in suitable Vessels with imported Goods, ' new Prospects of Commercial Adventure are opened to many ' States situated wholly or chiefly in the Interior of *Europe*, ' and whose most convenient Ports are not within their own ' Dominions, and consequently the Trade of this Country with ' such States might be greatly extended if the Ships of such ' States were permitted to use, for the Purposes of such Trade, ' some Ports of other States in like Manner [as if such Ports ' were within their own Dominions, and accordingly Treaties ' of Commerce and Navigation beneficial to the Shipping and ' Trade of this Country might be made with such States if Her ' Majesty were enabled to carry such Treaties into effect;] be it therefore enacted, That, notwithstanding any thing in the said Act of His late Majesty contained, it shall be lawful for Her Majesty from Time to Time to declare by Her Order in Council, to be published as aforesaid, that any Port or Ports to be named in such Order, being the most convenient Port or Ports for shipping the Produce of any State to be also named in such Order, shall, although not situated within the Dominions of such State, be Port or Ports for the Use of the Ships of such State in the Trade of such Ships with all Parts of the *British* Dominions, or with any Part or Parts of the same named and limited in such Order, in as full and ample a Manner as if such Port or Ports were within the Dominions of such State; and thereupon, and for so long a Time as such Order shall be declared to be in force or shall remain unrevoked, it shall be lawful to import into the *British* Dominions, or into such Parts of the same as shall be named and limited in such Order, from such Port or Ports, in the Ships of such State, any Goods which by the Laws in force at the Time of such Importation might then be imported in such Ships from a Port of the Country to which they belonged, and so to import such Goods upon the like Terms as the same could there be imported from the National Ports of such Ships.

Persons having acted under a certain Order of the Commis-

III. 'And whereas, by virtue of a certain Order made by ' Her Majesty's Commissioners of Trade and Plantations, under ' the Directions of the Lords Commissioners of Her Majesty's ' Treasury,

' Treasury, an *Austrian Ship* laden with *Turkish Produce* at a
 ' *Turkish Port* was in the Month of *September* last admitted
 ' to Entry at the Port of *Gloucester* on the Payment of a Fine
 ' of Ten Pounds: And whereas such an Importation is a direct
 ' Contravention of the Navigation Act, but the Order having
 ' been issued with a view to carry into effect the said Treaty
 ' concluded in the Year One thousand eight hundred and
 ' thirty-eight, it is expedient that all Persons advising, com-
 ' manding, or carrying into execution such Order should be
 ' indemnified by Parliament in the Manner herein-after provided
 ' for; be it therefore enacted, That no personal Action or
 ' Suit, Indictment, Information, Prosecution, or Proceeding what-
 ' soever, shall be commenced or prosecuted against any Person
 ' or Persons for having advised, commanded, or carried into
 ' execution such Order; and that if any Action or Suit, Indict-
 ' ment, Information, Prosecution, or Proceeding, shall be com-
 ' menced or prosecuted against any Person or Persons for having
 ' so advised, commanded, or carried into execution such Order,
 ' it shall be lawful for the Defendant in any such Action, Suit,
 ' Indictment, or other Proceeding as aforesaid to apply to the
 ' Court in which such Action or other Proceeding shall be
 ' brought, prosecuted, or commenced, during the Sitting of the
 ' Court, or to any Judge of such Court during Vacation, to
 ' discontinue the Proceedings, and the same shall thereupon, by
 ' Order of such Court or Judge, be discontinued accordingly.

tioners of Trade
 and Plantations
 indemnified.

CAP. XCVI.

An Act for the Regulation of the Duties of Postage.

[10th August 1840.]

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 11/12/40 88

' WHEREAS by an Act passed in the last Session of Par-
 ' liament, intituled *An Act for the further Regulation of the*
 ' *Duties on Postage until the Fifth Day of October One thousand*
 ' *eight hundred and forty*, Power was given to the Commissioners
 ' of Her Majesty's Treasury, or any Three of them, by Warrant
 ' under their Hands, to alter, fix, reduce, or remit any of the
 ' Rates of *British* or Inland or other Postage payable by Law
 ' on the Transmission of Post Letters, and to subject such
 ' Letters to Rates of Postage according to the Weight thereof,
 ' and a Scale of Weight to be contained in such Warrant (with-
 ' out Reference to the Distance or Number of Miles the same
 ' might be conveyed), and to fix and limit the Weight of Letters
 ' to be sent by the Post, and to suspend wholly or in part any
 ' parliamentary or official Privilege of sending and receiving
 ' Letters by the Post free of Postage, or any other Franking
 ' Privilege, and also to direct that Letters written on stamped
 ' Paper or enclosed in stamped Covers, or having a Stamp
 ' affixed thereto, should (if within the Limitation of Weight
 ' to be fixed under the Provisions of the said Act, and if the
 ' Stamp should not have been used before) pass by the Post

2 & 3 Vict. c. 52.

[No. 36. Price 2d.]

N n

' free

‘ free of Postage, and also to require, in case the Stamp on
 ‘ which any Letter should be written, or the Stamp on the
 ‘ Cover in which it should be enclosed, or to which it should
 ‘ be affixed, should be of less Value or Amount than in such
 ‘ Warrant should be expressed, or should have been used
 ‘ before, such Letter should be charged and chargeable with
 ‘ such Rate of Postage as such Warrant should direct, and to
 ‘ order and direct the Commissioners of Stamps and Taxes
 ‘ from Time to Time to provide proper and sufficient Dies or
 ‘ other Implements for expressing and denoting the Rates or
 ‘ Duties which should be directed by any such Warrant as
 ‘ aforesaid, and to give any other Orders and make any other
 ‘ Regulations relative thereto they might deem expedient : And
 ‘ whereas the Commissioners of Her Majesty’s Treasury of the
 ‘ United Kingdom of *Great Britain and Ireland* have, by several
 ‘ Warrants under their Hands, in pursuance of the Power or
 ‘ Authority given to them by the said Act, fixed and limited a
 ‘ Scale of Weight of Letters to be transmitted by the Post, and
 ‘ directed the Rates of Postage to be charged and taken on
 ‘ such Letters, and have made Regulations for the sending of
 ‘ Letters stamped free of Postage, and made other Regulations
 ‘ relative to the sending of Letters by the Post : And whereas
 ‘ it is expedient that such Rates and Regulations should be
 ‘ made permanent by Law :’ Be it therefore enacted by the
 Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons,
 in this present Parliament assembled, and by the Authority of
 the same, That all Letters and Newspapers and other printed
 Papers, which shall be posted in any Town or Place within
 the United Kingdom, or shall be brought from Parts beyond
 the Seas to any Port or Place within the United Kingdom, or
 shall be sent by the Post between the United Kingdom and
 Places beyond the Seas, or between any of the other Places
 herein-after mentioned, or shall pass through the United King-
 dom, shall be subject to the several Regulations and Rates
 herein-after contained.

Letters and
 Newspapers and
 other printed
 Papers to be
 subject to Re-
 gulations and
 Rates after
 mentioned.

Letters to be
 charged by
 Weight.

II. And be it enacted, That Letters transmitted by the Post shall be charged by Weight according to the following Scale, and that the several Numbers of Rates of Postage herein-after set forth shall be charged by and be paid to Her Majesty’s Postmaster General for the Use of Her Majesty, on Letters transmitted by the Post ; (that is to say,)

On every Letter not exceeding Half an Ounce in Weight,
 One Rate of Postage :

On every Letter exceeding Half an Ounce and not ex-
 ceeding One Ounce in Weight, Two Rates of Postage :

On every Letter exceeding One Ounce and not exceeding
 Two Ounces in Weight, Four Rates of Postage :

On every Letter exceeding Two Ounces and not exceeding
 Three Ounces in Weight, Six Rates of Postage :

And on every Letter exceeding Three Ounces and not ex-
 ceeding Four Ounces in Weight, Eight Rates of Postage :

And

And for every Ounce in Weight above the Weight of Four Ounces there shall be charged and taken Two additional Rates of Postage, and every Fraction of an Ounce above the Weight of Four Ounces shall be charged as One additional Ounce.

III. And be it enacted, That no Letter exceeding Sixteen Ounces in Weight shall be forwarded by the Post between Places within the United Kingdom, except Petitions and Addresses to Her Majesty, and Petitions to either House of Parliament, and except in such other Cases and subject to such Regulations and Restrictions as the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, shall from Time to Time direct.

Limitation of Weight.

repealed 10/11/86

IV. And be it enacted, That the following Rates of Postage shall be charged by and be paid to Her Majesty's Postmaster General, for the Use of Her Majesty, on Letters transmitted by the Post; (that is to say,)

Rates of Postage.

INLAND LETTERS.

On all Letters not exceeding Half an Ounce in Weight, transmitted by the Post between Places within the United Kingdom, (not being Letters sent to or from Parts beyond the Seas,) or posted in any Post Town in the United Kingdom, addressed to Persons or Places within such Town or the Suburbs thereof, there shall be charged and paid One uniform Rate of One Penny, without reference to the Number of Sheets or Pieces of Paper, or Enclosures of which the same may be comprised, or to the Distance or Number of Miles the same shall be conveyed; and that on all such Letters, if exceeding Half an Ounce in Weight, there shall be charged and paid progressive and additional Rates of Postage (each additional Rate being estimated at One Penny), according to the Scale of Weight and Number of Rates herein-before fixed and declared; provided that such Postage of One Penny and such progressive and additional Postage be pre-paid at the Time of posting such Letters, or that such Letters be duly and properly stamped when posted as herein-after provided; but in case such Postage on any such Letters shall not be pre-paid, and such Letters shall not be duly and properly stamped, there shall be charged on such Letters the Rate of Postage herein-after mentioned.

Inland Letters.

V. And be it enacted, That the Postmaster General may forward Letters between Places in the United Kingdom by Vessels not Packet Boats, and that all Letters forwarded under the Authority of the Postmaster General by private Vessels or Packet Boats, and transmitted between Places in the United Kingdom, shall be considered as forwarded by the Post between such Places, and be charged accordingly.

As to Letters sent by Vessels.

COLONIAL LETTERS BY PACKET BOAT.

Colonial Letters.

VI. And be it enacted, That on all Letters not exceeding Half an Ounce in Weight transmitted by Packet Boat between the United Kingdom and Her Majesty's Colonies, or between any of Her Majesty's Colonies through the United Kingdom, (including Letters to and from the *East Indies* by any of Her Majesty's *Mediterranean* Packet Boats to and from the United Kingdom *via Syria* or *Egypt*, but not including Letters sent through *France*;) there shall be charged and paid the several Rates of *British* Postage herein-after mentioned and specified; (that is to say,)

Between any Place within the United Kingdom, wherever situate, and any Port in Her Majesty's Colonies, One uniform Rate of One Shilling, and between any of Her Majesty's Colonies through the United Kingdom, One uniform Rate of Two Shillings:

And on all such Letters, if exceeding Half an Ounce in Weight, there shall be charged and paid progressive and additional Rates of Postage, according to the Scale of Weight and Number of Rates herein-before contained, each additional Rate being estimated at One Shilling or Two Shillings, according as such Letter shall be chargeable under this Enactment, if not exceeding Half an Ounce in Weight.

SHIP LETTERS.

Ship Letters.

VII. And be it enacted, That the Postmaster General may collect and receive Letters to forward by Vessels not Packet Boats to Places beyond the Seas, and may forward the same accordingly, and may collect and receive Letters brought by any such Vessels from Places beyond the Seas.

Rates of Postage on Ship Letters.

VIII. And be it enacted, That on all Letters not exceeding Half an Ounce in Weight, transmitted by Vessels not Packet Boats, between the United Kingdom and any Place beyond the Seas, including *Ceylon*, the *Mauritius*, the *Cape of Good Hope*, and the *East Indies*, or between any Places beyond the Seas through the United Kingdom, there shall be charged and paid for *British* Postage the Rates following; (that is to say,)

Between the United Kingdom and any Place beyond the Seas, at whatever Place within the United Kingdom the Letters may be posted or delivered, One uniform Rate of Eight-pence, and between any Places beyond the Seas through the United Kingdom, One uniform Rate of One Shilling and Four-pence:

And on all such Letters, if exceeding Half an Ounce in Weight, there shall be charged and paid additional Rates of Postage, according to the Scale of Weight and Number of Rates herein-before contained, estimating and charging each additional Rate at Eight-pence or One Shilling and Four-pence, according as such Letters shall be chargeable under this Enactment, if not exceeding Half an Ounce in Weight.

FOREIGN

FOREIGN LETTERS.

IX. And be it enacted, That on all Letters transmitted by the Post between the United Kingdom and Foreign Parts, or between any of the Places out of the United Kingdom mentioned in the Schedule to this Act annexed, there shall be charged and paid the several Rates of *British* Postage mentioned and specified in such Schedule. Foreign Letters.

X. And be it enacted, That all Letters brought into the United Kingdom by Packet Boats (whether in a Mail Bag or not) shall be chargeable with Packet Postage. Letters by Packet Boat.

XI. And be it enacted, That on all printed Votes and Proceedings of the Imperial Parliament forwarded by the Post between Places in the United Kingdom, or posted in any Post Town of the United Kingdom, addressed to Persons or Places within such Town, or the Suburbs thereof, and on all printed Votes and Proceedings of the Imperial Parliament sent to any of Her Majesty's Colonies by Packet Boat, and on all printed Votes and Proceedings of the Colonial Legislatures sent to the United Kingdom from the Colonies by Packet Boat (but not through *France* nor to the *East Indies* by Her Majesty's *Mediterranean* Packet Boats *vid Syria* or *Egypt*), there shall be charged and paid the Rates of *British* Postage following; (that is to say,) Postage on Parliamentary Proceedings.

If not exceeding Four Ounces in Weight, a Rate of One Penny:

If exceeding Four Ounces and not exceeding Eight Ounces in Weight, a Rate of Two-pence:

If exceeding Eight Ounces and not exceeding Twelve Ounces in Weight, a Rate of Three-pence:

And if exceeding Twelve Ounces and not exceeding Sixteen Ounces in Weight, a Rate of Four-pence:

And for every additional Four Ounces in Weight above the Weight of Sixteen Ounces there shall be charged and paid an additional Rate of One Penny:

And any lesser Weight than Four Ounces shall be charged as Four Ounces:

Provided always, that it shall be lawful for the Postmaster General (if he shall see fit) to delay the Transmission of any such printed Votes or Proceedings for any Space not exceeding Twenty-four Hours from the Time at which the same would otherwise have been forwarded.

XII. And be it enacted, That all Letters posted in any Town or Place within the United Kingdom shall, if written on stamped Paper or enclosed in stamped Covers, or having a Stamp or Stamps affixed thereto, and all printed Votes and Proceedings of the Imperial Parliament, and all Newspapers which shall be liable to Postage under this Act, shall, if posted in any Town or Place within the United Kingdom and enclosed in stamped Covers, or having a Stamp or Stamps affixed thereto, (the Stamp or Stamps in every such Case being affixed or appearing on the Outside, and of the Value or Amount herein- Stamped Covers.

after expressed and specially provided under the Authority of this Act or of the said recited Act, and if the Stamp shall not have been used before,) pass by the Post free of Postage as herein-after mentioned; (that is to say,)

In case any such Letters shall be posted in and addressed to any Place within the United Kingdom, the Stamp or Stamps thereon shall be equal in Value or Amount to the Rates of Postage to which such Letters would be liable under this Act if pre-paid:

In case any such Letters shall be addressed to any other of the *British* Dominions or Colonies, or to any Foreign Country, the Stamp or Stamps thereon shall be equal in Value or Amount to the Rates of *British* Postage to which such Letters would have been liable under this Act:

And on all such printed Votes and Proceedings of Parliament and Newspapers the Stamp or Stamps shall be equal in Value or Amount to the Rates of Postage to which such Votes or Proceedings or Newspapers would have been liable under this Act:

And that in all Cases in which the same shall be necessary, in order to place on any such Letters, printed Votes or Proceedings of Parliament, and Newspapers, the full Amount of Stamps hereby required as aforesaid, there shall be affixed thereto such a Number of adhesive Stamps as alone or in Combination with the Stamp on such Letters or Packets, or on the Envelope or Cover thereof, will be equal in Amount to the Rate of Postage to which such Letters, printed Votes or Proceedings of Parliament, and Newspapers would be liable under this Act.

XIII. And be it enacted, That in all Cases in which Letters posted in and addressed to Places within the United Kingdom shall be posted without any Stamp thereon, and without the Postage being pre-paid, there shall be charged on such Letters a Postage of Double the Amount to which such Letters would otherwise be liable under this Act; and in all Cases in which printed Votes or Proceedings of Parliament, or Newspapers liable to Postage under this Act, shall be posted without any Stamp thereon, there shall be charged on such Votes and Proceedings or Newspapers the Postage to which the same would be liable under this Act.

XIV. 'And whereas Letters and Packets sent by the Post are chargeable by Law on being re-directed and again forwarded by the Post with a new and distinct Rate of Postage;' be it enacted, That on every Post Letter re-directed (whether posted with any Stamp thereon or not) there shall be charged for the Postage of such Letter, from the Place at which the same shall be re-directed to the Place of ultimate Delivery (in addition to all other Rates of Postage payable thereon), such a Rate of Postage only as the same would be liable to if pre-paid.

XV. And

Additional
Postage on Letters not stamped
or pre-paid.

Letters re-directed.

XV. And be it enacted, That in all Cases in which any Letters posted in and addressed to Places within the United Kingdom shall be posted, having thereon or affixed thereto any Stamp or Stamps the Value or Amount of which shall be less than the Rate of Postage to which such Letters would be liable under this Act if pre-paid, there shall be charged on such Letters a Postage of Double the Amount of the Differences between the Value of such Stamp or Stamps and the Postage to which such Letters would be liable as aforesaid, if pre-paid.

Letters with Stamps not equal to Postage.

XVI. And be it enacted, That in all Cases in which any Votes or Proceedings of Parliament, Newspapers, addressed to Places within the United Kingdom, shall be posted, having thereon or affixed thereto any Stamp or Stamps the Value or Amount of which shall be less than the Rate of Postage to which such Votes or Proceedings or Newspapers would be liable under this Act, there shall be charged on such Votes or Proceedings or Newspapers a Postage equal to the Amount of the Difference between the Value of such Stamp or Stamps and the Postage to which such Votes or Proceedings or Newspapers would be liable as aforesaid.

The same as to Parliamentary Proceedings.

XVII. Provided always, and be it enacted, That it shall in all Cases be optional with the Parties sending any Letters, printed Votes or Proceedings of Parliament, or Newspapers, by the Post, to forward the same free of Postage by means of a proper Stamp or Stamps thereon or affixed thereto in manner herein-before provided, or to forward the same in like Manner as the same might otherwise have been forwarded under this Act; but, nevertheless, in case any Letters, printed Votes or Proceedings of Parliament, or Newspapers, addressed to Places out of the United Kingdom, shall have thereon or affixed thereto any Stamp or Stamps being less in Amount or Value than the Rates of Postage to which such Letters, or such Votes or Proceedings, or Newspapers, would be liable under this Act, such Letters, printed Votes or Proceedings of Parliament, or Newspapers, if the Postage thereon be required by the Postmaster General under the Provisions of this Act to be paid when posted, shall not in any Case be forwarded by the Post, but shall, so far as may be practicable, be returned to the Senders thereof through the Dead Letter Office; and if the Postage on such Letters, printed Votes or Proceedings, or Newspapers, be not so required to be paid when posted, the same may be forwarded charged with such Postage as if no Stamp had been thereon or affixed thereto.

Option to pre-pay or not.

XVIII. And be it enacted, That it shall be lawful for the Postmaster General at any Time hereafter, with the Consent of the Commissioners of Her Majesty's Treasury, by Writing under his Hand, to declare that Letters enclosed in stamped Covers, or having a Stamp or Stamps affixed thereto, (such Stamps being provided under or in pursuance of the said recited Act or of this Act, and being equal in Value or Amount to the Rates of Postage to which such Letters would be liable

Postmaster General may send stamped Letters otherwise than by the Post.

under this Act if sent by the Post pre-paid,) may be sent, conveyed, and delivered otherwise than by the Post, under and subject nevertheless to all such Regulations and Restrictions as the Postmaster General, with such Consent as aforesaid, may think fit, which Declaration shall be inserted in the *London Gazette* before coming into operation; and from thenceforth, so long as the said Declaration shall continue in force (but no longer), any such stamped Letters may be sent, conveyed, and delivered otherwise than by the Post accordingly: Provided always, that it shall be lawful for the Postmaster General, with such Consent as aforesaid, at any Time, by Writing under his Hand, inserted in the *London Gazette*, to rescind and annul any such Declaration and the Authority thereby given, or to alter and vary any of the Regulations and Restrictions therein contained, and to make and establish any new or other Regulations and Restrictions respecting the sending, conveying, or delivering of such stamped Letters otherwise than by the Post, as the Postmaster General, with such Consent as aforesaid, shall deem expedient: Provided also, that nothing herein contained shall authorize or be construed to authorize any Person to make a Collection of stamped Letters for the Purpose of being sent or conveyed otherwise than by the Post.

Stamps to be provided.

XIX. And be it enacted, That the Commissioners of Stamps and Taxes shall from Time to Time provide proper and sufficient Dies or other Implements for expressing and denoting Rates or Duties of One Penny and Two-pence, or Rates or Duties of any other Value or Amount as may be directed by the Commissioners of Her Majesty's Treasury, for the Purposes herein mentioned; and it shall be lawful for the said Commissioners of Stamps and Taxes to use for the like Purposes any Dies, Plates, or other Implements which have been provided, made, or used under or in pursuance of the said recited Act of the last Session of Parliament; and all Stamps and Impressions which have been or shall be made or impressed by or from any such last-mentioned Dies, Plates, or other Implements shall be valid and available for the Purposes of this Act.

Separate Accounts to be kept of Stamp Duties under this Act.

XX. And be it enacted, That the Commissioners of Stamps and Taxes shall cause a separate Account to be kept of the Stamp Duties arising under this Act; and it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby empowered, from Time to Time to direct the said Commissioners of Stamps and Taxes to authorize their Receiver General to pay over such Sum and Sums of Money arising from the said Stamp Duties as the Commissioners of Her Majesty's Treasury shall think proper to the Account of the Receiver General of Her Majesty's Post Office at the Bank of *England*; and all such Sums of Money which shall be so paid over shall be held by the said last-mentioned Receiver General subject to all Annuities and yearly Sums now charged by Law on or payable out of the Post Office Revenue, and all other Charges,

Charges, Outgoings, and Disbursements to which the Post Office Revenue is at present liable.

XXI. And be it enacted, That the Rates or Duties which shall be expressed or denoted by any such Dies as aforesaid shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being; and all the Powers, Provisions, Clauses, Regulations, Directions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by the several Acts now in force relating to Stamp Duties shall (so far as the same may be applicable, and may be consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this present Act, and to the Paper on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the Rates or Duties denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Rates or Duties respectively: Provided always, that the Commissioners of Stamps and Taxes shall not make or allow any Allowance or Discount on the Payment to them of any of the said Duties arising under this Act, or on the Purchase from them of any Stamps denoting the said Duties, unless they shall be directed to do so by the Lords of the Treasury.

Duties on Dies to be deemed Stamp Duties.

XXII. And be it enacted, That if any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any Die, Plate, or other Instrument, or any Part of any Die, Plate, or other Instrument, which hath been or shall or may be provided, made, or used by or under the Direction of the Commissioners of Stamps and Taxes, or by or under the Direction of any other Person or Persons legally authorized in that Behalf, for the Purpose of expressing or denoting any of the Rates or Duties which are or shall be directed to be charged under or by virtue of the Authority contained in the said recited Act of the last Session of Parliament, or under or by virtue of this Act; or if any Person shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated, the Stamp, Mark, or Impression, or any Part of the Stamp, Mark, or Impression, of any such Die, Plate, or other Instrument which hath been or shall or may be so provided, made, or used as aforesaid, upon any Paper or other Substance or Material whatever; or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any false, forged, or counterfeit Die, Plate, or other Instrument, or Part of any such Die, Plate, or other Instrument resembling or intended to resemble either wholly

Forging or fraudulently using Dies or Plates.

wholly or part any Die, Plate, or other Instrument which hath been or shall or may be so provided, made, or used as aforesaid; or if any Person shall stamp or mark, or cause or procure to be stamped or marked, any Paper, or other Substance or Material whatsoever, with any such false, forged, or counterfeit Die, Plate, or other Instrument, or Part of any such Die, Plate, or other Instrument as aforesaid; or if any Person shall use, utter, sell, or expose to Sale, or shall cause or procure to be used, uttered, sold, or exposed to Sale, or shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any Paper, or other Substance or Material, having thereon the Impression or any Part of the Impression of any such false, forged, or counterfeit Die, Plate, or other Instrument, or Part of any such Die, Plate, or other Instrument as aforesaid, or having thereon any false, forged, or counterfeit Stamp or Impression, resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for the Stamp, Mark, or Impression of any such Die, Plate, or other Instrument which hath been or shall or may be so provided, made, or used as aforesaid, knowing such false, forged, or counterfeit Stamp, Mark, or Impression to be false, forged, or counterfeit; or if any Person shall, with Intent to defraud Her Majesty, Her Heirs or Successors, privately or fraudulently use, or cause or procure to be privately or fraudulently used, any Die, Plate, or other Instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid, or shall with such Intent privately or fraudulently stamp or mark, or cause or procure to be stamped or marked, any Paper or other Substance or Material whatsoever with any such Die, Plate, or other Instrument as last aforesaid; or if any Person shall knowingly and without lawful Excuse (the Proof whereof shall lie on the Person accused) have in his Possession any Paper or other Substance or Material so privately or fraudulently stamped or marked as aforesaid; then and in every such Case every Person so offending, and every Person knowingly and wilfully aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years, as the Court shall award.

For punishing
Evasion of
Duties,

XXIII. And be it enacted, That if any Person shall fraudulently get off or remove, or cause or procure to be gotten off or removed, from any Letter or Cover, or any Paper or other Substance or Material, the Stamp or Impression of any Die, Plate, or other Instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid, with Intent to use, join, fix, or place such Stamp or Impression for, with, or upon any other Letter, Cover, Paper, or other Substance

Substance or Material; or if any Person shall fraudulently use, join, fix, or place for, with, or upon any Letter or Cover, or any Paper or other Substance or Material, any such Stamp or Impression as aforesaid which shall have been gotten off or removed from any other Letter, Cover, Paper, or other Substance or Material; or if any Person shall fraudulently erase, cut, scrape, discharge, or get out of or from, or shall cause or procure to be so erased, cut, scraped, discharged, or gotten out of or from any Letter or Cover, or any Paper, or other Substance or Material, any Name, Date, or other Matter or Thing thereon written, printed, or expressed with Intent to use any Stamp or Mark then impressed or being upon such Letter or Cover, Paper, or other Substance or Material, or that the same may be used for the Purpose of defrauding Her Majesty, Her Heirs or Successors, of any of the Rates or Duties aforesaid; or if any Person shall make, do, or practise or be concerned in any other fraudulent Act, Contrivance, or Device whatever, not specially provided for by this or some other Act of Parliament, with Intent or Design to defraud Her Majesty, Her Heirs or Successors, of any of the Rates or Duties aforesaid; every Person so offending in any of the several Cases in this Clause mentioned shall forfeit and pay to Her Majesty, or Her Heirs and Successors, the Sum of Twenty Pounds, to be recovered with full Costs of Suit and all Expences attending the same.

XXIV. 'And whereas under the Laws in force it is provided that no Licence shall be granted to any Person to deal in or to retail Stamps in any Town or Place in *Ireland* (except within the District of the *Dublin* Metropolis) where a Distributor of Stamps shall have been appointed by the Commissioners of Stamps, and shall reside and act as such Distributor, and it is expedient to alter such Restriction so far as the same relates to Persons who may be licensed solely for the Purpose of dealing in or retailing Stamps denoting the Duties on the Postage of Letters;' be it therefore enacted, That it shall be lawful for the Commissioners of Stamps and Taxes to grant Licence to any Person or Persons to deal in and to retail Stamps denoting the Stamp Duties on the Postage of Letters in any Town or Place in *Ireland*, whether a Distributor of Stamps shall have been appointed in such Town or Place, and shall reside and act as such Distributor therein, or not, any thing in any Act or Acts contained to the contrary notwithstanding.

Licences may be granted to deal in Postage Stamps in any Town in *Ireland*, although a Distributor of Stamps may be appointed there.

XXV. And be it enacted, That no Licence which shall be granted by the said Commissioners to deal in and retail Stamps of the Description, aforesaid only, nor any Bond to be taken on the granting of any such last-mentioned Licence, shall be subject or liable to any Stamp Duty.

Licences and Bonds exempted from Stamp Duty.

XXVI. And be it enacted, That the Commissioners of Excise, or such Person or Persons as the Commissioners of Her Majesty's Treasury shall direct, shall cause to be provided such Moulds, Frames, or Instruments, or Machinery or Parts of Machinery,

Manufacture of Paper for Envelopes.

Machinery, as may be necessary for the making of Paper, to be used as Covers or Envelopes, or Stamps, and to receive the Impression of the Dies, Plates, or other Instruments which have been or shall be provided, made, or used by or under the Direction of the Commissioners of Stamps and Taxes, or of any other Person or Persons legally authorized in that Behalf, for the Purpose of expressing or denoting any of the Rates or Duties of Postage which are or shall be directed to be charged under or by virtue of the Authority contained in the said recited Act of the last Session of Parliament, or under this Act, which Paper shall have such distinguishing Words, Letters, Figures, Marks, Lines, Threads, or other Devices worked into or visible in the Substance of the same as the said Commissioners of Excise, or such other Person or Persons so directed by the Commissioners of Her Majesty's Treasury, shall from Time to Time order and direct; and it shall be lawful for the said Commissioners of Excise or other Person or Persons, from Time to Time as they shall see fit, to alter or vary any such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, either by the Removal of any of them, and Substitution of other Words, Letters, Figures, Marks, Lines, Threads, or other Devices, or by any Change in the Position or Arrangement thereof; and all such Moulds, Frames, or Instruments, Machinery or Parts of Machinery, shall be provided, and all such Paper shall be made and manufactured, under such Regulations, and by such Person or Persons as the said Commissioners of Excise or other Person or Persons as aforesaid shall from Time to Time appoint or contract with for that Purpose; and all the said Moulds, Frames, or Instruments, and Machinery or Parts of Machinery, shall be kept by such Officer or Officers or other Person as the said Commissioners of Excise, or other Person or Persons directed by the Commissioners of Her Majesty's Treasury, shall appoint; and all the Paper so made shall, as the same is required, be delivered over to the Commissioners of Stamps and Taxes, or to such Officer or Warehouse Keeper as such last-mentioned Commissioners shall direct to receive and take charge of the same.

Contracts for
Paper.

XXVII. And be it enacted, That all Contracts and Agreements to be entered into by the Commissioners of Excise for or relating to the Supply of any such Paper as aforesaid shall be made in the Name of the Secretary for the Time being to the said Commissioners, and his Successors in Office, for and on behalf of Her Majesty, Her Heirs and Successors.

As to present
Contracts.

XXVIII. And whereas the Commissioners of Excise have, under the Orders and Directions of the Commissioners of Her Majesty's Treasury, contracted with certain Persons for the Manufacture and Supply of and have supplied to the Commissioners of Stamps and Taxes, for Postage Envelopes and Covers and Stamps, certain Quantities of Paper made and manufactured with certain Words, Letters, Figures, Marks, Lines, Threads, or Devices worked into or visible in the Substance of such Paper, according to the Samples thereof

annexed

‘annexed to such Contracts;’ be it enacted, That all the Paper so made and supplied, or which hereafter shall be made or supplied under any such Contract or Contracts, shall be deemed and taken to be Paper subject to and the same shall be subject to all the Enactments and Provisions of this Act, in the same Manner as if the same had been made and supplied under the Enactments and Provisions herein-before contained.

XXIX. And be it enacted, That if any Person shall make, or cause or procure to be made, or shall aid or assist in the making, or shall knowingly have in his Custody or Possession not being legally authorized by the Commissioners of Excise, or other Person or Persons appointed by the Commissioners of Her Majesty’s Treasury, and without lawful Excuse (the Proof whereof shall lie on the Person accused), any Mould or Frame or other Instrument having therein any Words, Letters, Figures, Marks, Lines, or Devices peculiar to and appearing in the Substance of any Paper heretofore or hereafter to be provided or used for Postage Covers, Envelopes, or Stamps, or any Machinery or Parts of Machinery for working any Threads into the Substance of any Paper or any such Thread, and intended to imitate or pass for such Words, Letters, Figures, Marks, Lines, Threads, or Devices; or if any Person, except as before excepted, shall make, or cause or procure to be made, or aid or assist in the making, of any Paper in the Substance of which shall be worked or shall appear visible any Words, Letters, Figures, Marks, Lines, Threads, or other Devices peculiar to and worked into or appearing visible in the Substance of any Paper heretofore or hereafter to be provided or used for Postage Covers, Envelopes, or Stamps, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate or pass for the same; or if any Person, except as before excepted, shall knowingly have in his Custody or Possession, without lawful Excuse (the Proof whereof shall lie on the Person accused), any Paper whatever in the Substance whereof shall be worked or appear visible any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or Devices, and intended to imitate or pass for the same; or if any Person, except as aforesaid, shall, by any Art, Mystery, or Contrivance, cause or procure, or aid or assist in causing or procuring, any such Words, Letters, Figures, Marks, Lines, Threads, or Devices as aforesaid, or any Part of such Words, Letters, Figures, Marks, Lines, Threads, or other Devices, and intended to imitate or pass for the same, to appear worked into or visible in the Substance of any Paper whatever, then and in every such Case every Person so offending shall for every such Offence be adjudged a Felon, and shall be transported for the Term of Seven Years, or shall be imprisoned, at the Discretion of the Court before whom such Person shall be tried, for any Period not less than Two Years.

Punishing
Persons manu-
facturing or
using Paper
similar to that
used for Post-
age Covers.

XXX. And

Persons receiving or having in Possession Paper provided for Postage Covers or Stamps, before being stamped and issued for Use, guilty of a Misdemeanor, and subject to Imprisonment.

XXX. And be it enacted, That if any Person not lawfully authorized, and without lawful Excuse (the Proof whereof shall lie on the Person accused), shall purchase or receive, or take or have in his Custody or Possession, any Paper manufactured and provided by or under the Directions of the Commissioners of Excise, or other Person or Persons appointed to provide the same by the Commissioners of Her Majesty's Treasury, for the Purpose of being used for Postage Covers, Envelopes, or Stamps, and for receiving the Impression of the Dies, Plates, or other Instruments provided, made, or used under the Directions of the Commissioners of Stamps and Taxes, or other Person or Persons legally authorized in that Behalf, before such Paper shall have been duly stamped with such Impression and issued for public Use, every such Person shall for such Offence be guilty of a Misdemeanor, and being convicted thereof shall, at the Discretion of the Court before whom such Person shall be tried, be imprisoned for any Period not more than Three Years nor less than Six Calendar Months.

Postage on Letters sent to Foreign States.

XXXI. And be it enacted, That in all Cases in which there now is or shall be a Treaty between the Postmaster General and the Post Office of a Foreign Country for collecting and accounting for the *British* Postage on Foreign Letters sent by the Post from the United Kingdom to that Foreign Country or to any other Foreign Country, the Postmaster General may, so long as the Treaty or Agreement shall continue in force, receive upon any such Foreign Letters from the Sender the Postage, both *British* and Foreign, in one entire Sum, and upon Foreign Letters addressed to Places within Her Majesty's Dominions may, whether there shall be any such Treaty or not, charge the Foreign Postage in addition to the *British* Postage, and he may account for and pay over to the Foreign Countries entitled to receive the same the Amount of all such Foreign Postage; and it shall be optional with the Sender of a Letter addressed to any Foreign Country included in such Treaty, or to any Foreign Country to which such Treaty shall extend, either to pay the *British* and Foreign Postage thereof in one entire Sum, or to send the Letters without paying any Postage, either *British* or Foreign, or he may otherwise pay the *British* Postage only; and, subject to this Enactment, the Postmaster General may cause the Postage of all Letters sent out of the United Kingdom to be paid or stamped on being put into the Post Office.

Postage marked on Foreign Letters to be Evidence of Amount of Postage.

XXXII. And be it enacted, That the Foreign Postage marked on any Letter or Newspaper, or other printed Paper brought into the United Kingdom, shall in all Courts of Justice and other Places be received as conclusive Evidence of the Amount of Foreign Postage payable in respect of such Letter, Newspaper, or other printed Paper in addition to the *British* Postage; and such Foreign Postage shall be recoverable within the United Kingdom and other Her Majesty's Dominions as Postage due to Her Majesty.

XXXIII. And

XXXIII. And be it enacted, That it shall be lawful for Her Majesty's Postmaster General to charge on all Letters conveyed by the Post between Places within any of Her Majesty's Colonies, or conveyed by Packet Boats between one Part of Her Majesty's Dominions and another Part of the same Dominions, or between Her Majesty's Dominions and Foreign Parts, or between one Port in any Foreign Country and another Port in the same or any other Foreign Country, where Post Communications shall be established, and where Rates of Postage have not hitherto been authorized by Law, and also to charge on all Letters conveyed by any Vessels to or from any of the Colonies, or between any of the Colonies, or between any of the Colonies and a Foreign Port, and on all Letters which shall be brought by the Master of any Vessel to the Post Office in any of the Colonies, such Rates of Postage as the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, shall from Time to Time direct.

Postage on
Letters in th
Colonies, &c.

XXXIV. And be it enacted, That it shall be lawful for Her Majesty's Postmaster General to require the Postage from Time to Time payable for Letters transmitted by Packet Boats or private Ships between Places out of the United Kingdom to be paid by the Sender on the Tender or Delivery of such Letters at the Post Office, or other Place appointed by the Postmaster General for the Receipt of such Letters.

Postage on
Packet Boats
Letters may be
demanded from
the Sender.

XXXV. And be it enacted, That the Owners, Charterers, or Consignees of Vessels inward-bound, and the Owners, Consignees, or Shippers of Goods on board Vessels inward-bound, shall have their Letters by such Vessels free from Postage (except as herein-after mentioned) if delivered at the Port of the Ship's Arrival; and if delivered at any other Place within the United Kingdom, on Payment of the Postage, as on pre-paid Inland Letters according to the Scale of Weight and Number of Rates herein-before mentioned, from the Port of Arrival to the Place of Delivery, and if delivered in any of Her Majesty's Colonies, on Payment of the Colonial Rates of Postage to which Letters in such Colony may be liable, on Conveyance from such Port of Arrival to the Place of Delivery, provided the Letters brought by any One Vessel to any One such Person shall not collectively exceed Six Ounces in Weight (except in the Case of Letters brought by Vessels coming from *Ceylon*, the *Mauritius*, the *East Indies*, or the *Cape of Good Hope*, into any Port of the United Kingdom, for an Owner, Charterer, or Consignee of such Vessel, in which Case they may be collectively Twenty Ounces in Weight), and the Owner, Charterer, or Consignee shall be described as such on the Address and Superscription; and in the Case of Owners, Shippers, or Consignees of Goods it shall also appear by the Ship's Manifest that they have Goods on board the Vessel; and the Persons hereby exempted shall be entitled to have their Letters which come within the above Conditions before the Master of the Vessel delivers the other Letters in his Charge to the Post Office: Provided nevertheless, that all Ship Letter Gratuities payable

Letters of
Owners of
Vessels.

payable by Law to Masters of Vessels bringing any such Letters shall in all Cases be paid to the Post Office by the Parties to whom the same may be addressed (in addition to any Postage payable thereon) before Delivery of such Letters to the Parties entitled to receive the same, whether such Letters shall be delivered at the Port of Arrival of such Vessel or elsewhere.

Gratuities to
Masters of
Vessels.

XXXVI. And for encouraging Masters of Vessels, not being Post Office Packets, to undertake the Conveyance of Letters; be it enacted, That the Postmaster General may allow to Masters of Vessels, on Letters and Newspapers conveyed by them for or on behalf of the Post Office between Places within the United Kingdom, a Sum not exceeding Two Shillings and Sixpence for each and every Number of One hundred of such Letters and Newspapers, and for any less Number in the like Proportion, and may allow to the Masters of Vessels bound from the United Kingdom to the *East Indies* a Sum not exceeding One Penny for each Letter and One Halfpenny for each Newspaper conveyed by them for or on behalf of the Post Office, and may allow to the Masters of all other Vessels a Sum not exceeding Two-pence for each Letter conveyed by them for or on behalf of the Post Office from the United Kingdom to Places beyond Sea, and may allow to the Masters of all Vessels not exceeding Two-pence for each Letter brought into the United Kingdom, which they shall deliver at the Post Office at the first Port at which they touch or arrive, or with which they communicate, (all which Gratuities may be paid at such Times and Places, and under all such Regulations and Restrictions, as the Postmaster General shall in his Discretion think fit); and every Master of a Vessel outward-bound shall receive on board his Vessel every Post Letter Bag tendered to him for Conveyance, and having received the same shall deliver it, on his Arrival at the Port or Place of his Destination, without Delay; and every Master of a Vessel inward-bound shall cause all Letters on board his Vessel (except those belonging to the Owners of the Vessel, or of the Goods on board, which do not exceed the prescribed Weights,) to be collected and enclosed in some Bag or other Envelope, and to be sealed with his Seal, and to be addressed to any of Her Majesty's Deputy Postmasters, that they may be in readiness to send on shore by his own Boat, or by the Pilot Boat, or by any other safe or convenient Means, in order that the same may be delivered at the first regular Post Office which can be communicated with, and at the regular Port or Place where the Vessel shall report, shall sign a Declaration in the Presence of the Person authorized by the Postmaster General at such Port or Place, who shall also sign the same, and the Declaration shall be in the Form or to the Effect following; (that is to say,)

Masters of out-
ward bound
Vessels to re-
ceive Letters,
and to deliver
them at the first
Port of Arrival.

Declaration to
be made by
Masters.

‘ I *A. B.*, Commander of the [*state the Name of the Ship or Vessel*], arriving from [*state the Place*], do, as required, by Law, solemnly declare, That I have, to the best of my Knowledge and Belief, delivered or caused to be delivered to the
‘ Post

‘ Post Office every Letter Bag, Package, or Parcel of Letters that were on board the [*state the Name of the Ship*], except such Letters as are exempted by Law.’

And no Collector, Comptroller, or principal Officer of the Customs shall permit such Vessel to report till such Declaration shall be made and produced; and no Vessel shall be permitted by any Officer of the Customs to break Bulk, or to make Entry in any Port of the *British Dominions*, until all Letters on board the same shall be delivered to the Post Office, where Posts are or hereafter may be established, and from whence such Letters may be despatched by Post, except such Letters, Commissions, and other Matters and Things as are exempted by the Post Office Acts from the exclusive Privilege of the Postmaster General, and also except all such Letters as shall be brought by a Vessel liable to the Performance of Quarantine, all which last-mentioned Letters shall be delivered by the Person having Possession thereof to the Persons appointed to superintend the Quarantine, that all proper Precautions may be by them taken before the Delivery thereof; and when due Care has been had therein, the said Letters shall be by them despatched in the usual Manner by the Post; and the principal Officer of Customs at every Port shall search every Vessel for Letters which may be on board contrary to the Post Office Acts, and may seize all such Letters and forward them to the nearest Post Office; and the Officer who shall so seize and send them shall be entitled to a Moiety of the Penalties which may be recovered for any such Offence; and in case an Officer of Her Majesty's Customs shall find a Letter superscribed as the Letter of an Owner or Charterer, or Consignee or Shipper, exceeding the Weight herein-before limited, then the Officer shall seize so many of the Letters as shall reduce the Remainder within the proper Weight, and he shall take the same to the nearest Post Office, and the Postmaster of the Place shall pay to the Officer delivering the same any Sum the Postmaster General, with the Consent of the Lords of the Treasury, may think fit, not exceeding Two Shillings and Sixpence for every Post Letter so seized; and the Postmaster General may appoint any Person to demand, from the Masters of Vessels arriving at or off a Port of the United Kingdom, all Letters on board the same not exempted by the Post Office Acts; and the Master of any such Vessel shall forthwith deliver all such Letters on board to such Person, on his demanding the same.

XXXVII. And be it enacted, That the Penalty which, by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws*; and for explaining certain Terms and Expressions employed in those Laws, is imposed on every Master of a Vessel outward-bound to Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope, who shall refuse to take a Post Letter Bag delivered or tendered to him by an Officer of the Post Office, shall henceforth extend

Officers of Customs not to allow Vessels to report before Declaration made.

Certain Penalties under 7 W. 4. & 1 Vict. c. 34. and c. 36. further extended.

extend and apply to the Master of every Vessel outward-bound who shall refuse to take a Post Letter Bag, delivered or tendered to him for Conveyance by an Officer of the Post Office; and that the Penalty which, by the said Act of the First Year of the Reign of Her present Majesty, is imposed on every Master of a Vessel who shall refuse or wilfully neglect to make the Declaration of having delivered his Ship Letters to the Post Office, as required by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, shall henceforth extend and apply to the Master of every Vessel who shall refuse or wilfully neglect to make the Declaration of having delivered his Ship's Letters to the Post Office, as is required by this Act, and that the Penalty by the said first-mentioned Act imposed on every Collector, Comptroller, or Officer of the Customs, who by the said last-mentioned Act is required to prohibit any Vessel reporting until the Requisites of such last-mentioned Act shall have been complied with, and who shall permit such Vessel to report before the Requisites of such Act shall have been complied with, shall henceforth extend and apply to every Collector, Comptroller, or Officer of the Customs who by this Act is required to prohibit any Vessel reporting until the Requisites of this Act have been complied with, and who shall permit such Vessel to report before the Requisites of this Act shall have been complied with.

Money Orders.

XXXVIII. 'And whereas the Postmaster General hath, with the Concurrence of the Commissioners of Her Majesty's Treasury, made Regulations by which the Public are enabled to remit small Sums of Money through the Post Office by means of Money Orders;' be it enacted, That such Mode of transmitting Money through the Post Office may have Continuance so long as the Commissioners of Her Majesty's Treasury shall see fit; and the Postmaster General is hereby authorized to demand and receive for the Use of Her Majesty, in respect of such Money or Money Orders, such Rates of Poundage as, with the Consent of the Commissioners of Her Majesty's Treasury, he may from Time to Time consider reasonable, which Poundage shall be applied in the same Manner as the Post Office Revenue is or shall be applicable by Law; and all such Money Orders and the Payment thereof shall be subject to such Regulations and Restrictions as the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may from Time to Time direct.

Registry of Letters.

XXXIX. 'And whereas it may be expedient that certain Post Letters should be registered;' be it enacted, That in case the Postmaster General shall at any Time deem it expedient that all or any Post Letters should be registered by the Post Office, the Postmaster General may, with the Consent of the Commissioners of Her Majesty's Treasury, forward Letters so registered without charging any additional Rate for the Registration thereof, or he may charge for any Letter so registered such Rate of Postage, in addition to any other Rates payable under

under the Post Office Acts, as the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct (but such Registration shall not render the Postmaster General or the Post Office Revenue in any Manner liable for the Loss of any such Post Letters or the Contents thereof); and all registered Letters shall be delivered to the Post Office, and also be delivered by the Post Office at or between such Hours in the Day, and under all such Regulations, in every respect, as the Postmaster General shall from Time to Time appoint; and the Postmaster General may therein require such Registration Rate to be paid on the Letter being put into the Post Office.

XL. And be it enacted, That Petitions and Addresses forwarded to Her Majesty by the Post shall be exempt from Postage. Petitions, &c. to Her Majesty exempt,

XLI. And be it enacted, That Members of each House of Parliament may receive by the Post Petitions and Addresses to Her Majesty, and Petitions addressed to either House of Parliament, not exceeding Thirty-two Ounces in Weight, exempt from Postage, provided such Petitions and Addresses be sent without Covers, or in Covers open at the Sides. also Petitions to Parliament.

XLII. And be it enacted, That printed Newspapers may be sent free of Postage, or liable to Postage according to the Regulations and Rates herein-after set forth; (that is to say,) Newspapers.

PRINTED BRITISH NEWSPAPERS,

By the Post, from One Town or Place to another, within the United Kingdom (except by private Ships), free:

By the Post of a Post Town, within the United Kingdom, addressed to a Person within the Limits of that Place or its Suburbs, One Penny each:

Between Places within the United Kingdom by private Ships, One Penny each.

Between the United Kingdom and Her Majesty's Colonies, as follows:

By Packet Boats to any of Her Majesty's Colonies and Possessions beyond the Seas, (including the *East Indies*, by Packet Boats from the United Kingdom, *vid Syria* or *Egypt*.) free:

By private Ships, One Penny each.

PRINTED COLONIAL NEWSPAPERS,

Brought from the Colonies to the United Kingdom by Packet Boats, (including Newspapers from the *East Indies*, by Her Majesty's *Mediterranean* Packet Boats,) whether directed to a Place within the United Kingdom or to any of Her Majesty's Colonies beyond the Seas, to be forwarded from the United Kingdom by Packet Boats, free:

Brought from the Colonies to the United Kingdom by private Ships, addressed to Places within the United Kingdom,

Kingdom, and delivered by the Master at the Post Office, One Penny each :

Sent by Packet Boat through the United Kingdom to a Foreign State, (subject to the Consent of the Lords of the Treasury,) free.

Newspapers between Foreign Countries and the United Kingdom, as follows :

PRINTED BRITISH NEWSPAPERS,

Sent from the United Kingdom to any Foreign Port, either by Packet Boats or private Ships, Two-pence each :

When *British* Newspapers are allowed to pass by Post in a Foreign Country free, then *British* Newspapers addressed to such Foreign Country may be transmitted to any Foreign Port by Packet Boats, free :

If transmitted by private Ships, One Penny each.

PRINTED FOREIGN NEWSPAPERS,

Brought into the United Kingdom by Packet Boats or private Ships, Two-pence each :

If *British* Newspapers are allowed to pass by Post free in a Foreign Country, Newspapers printed in that Country brought by Packet Boat to the United Kingdom, free :

If brought by private Vessels, One Penny each :

Foreign Newspapers sent by Packet Boat through the United Kingdom to the Colonies (subject to the Consent of the Commissioners of Her Majesty's Treasury), free.

Newspapers
need not be sent
by Post.

XLIII. And be it enacted, That although Newspapers may be sent by the Post, and thereupon are subject to the Rate of Postage set forth in the above Table, it shall not be compulsory to send them by Post.

Mode of send-
ing Newspapers
or Parlia-
mentary Pro-
ceedings.

XLIV. And be it enacted, That no printed Paper, whether Newspaper or Votes and Proceedings in Parliament, or of the Colonial Legislature, shall be sent by the Post, either free or at the aforesaid Rates of Postage, unless the following Conditions shall be observed :

First, It shall be sent without a Cover, or in a Cover open at the Sides.

Second, There shall be no Word or Communication printed on the Paper after its Publication, or upon the Cover thereof, nor any Writing or Marks upon it or upon the Cover of it, except the Name and Address of the Person to whom sent.

Third, There shall be no Paper or Thing enclosed in or with any such Paper.

Fourth, The said printed Papers shall be put into the Post Office at such Hours in the Day, and under all such Regulations, as the Postmaster General may appoint, including therein the Payment of Postage on such as are going out of the United Kingdom when put into the Post Office, if the Postmaster General shall so require.

Fifth,

Fifth, All Foreign Newspapers brought into the United Kingdom under this Act are to be printed in the Language of the Country from which they shall have been forwarded, unless the Commissioners of Her Majesty's Treasury shall in any Case direct that any Foreign Newspapers shall be exempted from the Restriction hereby imposed.

XLV. And be it enacted, That the Postmaster General may examine any printed Paper or any Packet which shall be sent by the Post, without a Cover or in a Cover open at the Sides, in order to discover whether it is contrary in any respect to the Conditions hereby required to be observed, or to any Regulations which the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may from Time to Time make in respect of any Paper or Packet of such a Description, and also, in the Case of Newspapers, to ascertain in what Language the Newspapers brought into the United Kingdom from any Foreign Country shall be printed and published; and also in order to discover whether the Newspapers printed and published in the United Kingdom (excepting those printed in *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, which, for the Purposes of this Act, are to be considered as Part of the United Kingdom) are duly stamped; and in case any one of the required Conditions has not been fulfilled, the whole of every such Paper or Packet shall be charged with Treble the Duty of Postage to which it would have been liable as a Letter, except as to Foreign Newspapers not printed in the Language of the Country from which they shall have been forwarded, which shall be charged with full Postage as Letters; and as to every such printed Paper going out of the United Kingdom, the Postmaster General may either detain the Paper or forward the same by the Post, charged with Treble the Duty of Postage to which it would have been liable as a Letter; and in case a Newspaper printed in the United Kingdom (except as aforesaid), and transmitted by the Post under this Act, shall appear not to have been duly stamped, the same shall be stopped and sent to the Commissioners of Stamps and Taxes.

Examination
of printed
Papers, &c.

XLVI. And be it enacted, That in all Cases in which a Question shall arise whether a printed Paper is entitled to the Privilege of a Newspaper or other printed Paper hereby privileged, so far as respects the Transmission thereof by the Post under the Post Office Acts, the Question shall be referred to the Determination of the Postmaster General, whose Decision, with the Concurrence of the Lords of the Treasury, shall be final.

Postmaster
General to
determine
Questions of
Postage.

XLVII. And for providing for the Transmission of Newspapers between the United Kingdom and Foreign Countries free of Postage, when satisfactory Proof shall be laid before the Postmaster General that *British* Newspapers addressed either to a Person or to a Place within a Foreign Country, and also that Newspapers addressed to a Person or a Place in the United Kingdom from such Foreign Country, are respectively allowed to pass by the Post within that Country free

Transmission of
Newspapers to
Foreign Countries
at low
Rate of Charge.

of Postage; be it enacted, That the Postmaster General may, with the Consent of the Commissioners of Her Majesty's Treasury, transmit by the Post *British* Newspapers addressed to a Person or to a Place in such Foreign Country from the United Kingdom, to any Port out of the United Kingdom, other than Her Majesty's Colonies and Possessions, free from Postage; and he may, with the like Consent, receive from such Foreign Country Foreign Newspapers free from Postage, or he may, with the like Consent, charge for every Newspaper transmitted to or received from a Foreign Country a Rate of Postage which he may consider equivalent to the Rates of Postage payable in that Country on Newspapers either transmitted from or received in that Country, but in all Cases, whether the Newspaper be transmitted free or otherwise, subject to a Sea Postage of One Penny, payable on the Newspaper being put into the Post Office, for every Newspaper delivered at the Post Office to be conveyed by Vessels not being Post Office Packets, and also to a like Postage for every Newspaper received by Vessels not Post Office Packets, addressed to a Person or to a Place within the United Kingdom.

Higher Charge
may be again
imposed.

XLVIII. 'And whereas, by reason of the Postage which may be charged on Newspapers in Foreign Countries, or from other Circumstances, it may be expedient again to impose the Rates of Two-pence on Newspapers;' be it enacted, That the Postmaster General, with the Consent of the Lords of the Treasury, may again charge and demand the said respective Rates of Two-pence on Newspapers received from and sent to any Foreign Country.

Colonial News-
papers.

XLIX. And be it enacted, That the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, may allow Colonial Newspapers to pass by the Post between Places within any of Her Majesty's Colonies, or by Packet Boat or private Ship, from one Colony to another Colony, whether through the United Kingdom or not; and also allow Foreign Newspapers to pass through the United Kingdom either to Her Majesty's Colonies or from one Foreign Country to another Foreign Country, by Packet Boat or private Ship; and also allow *British* Newspapers to be sent to the Colonies through a Foreign Country, and Colonial Newspapers to be sent through a Foreign Country to the United Kingdom, or through the United Kingdom to a Foreign Country, free of Postage or subject to such Rates of Postage and under all such Regulations and Restrictions as the Postmaster General with such Consent as aforesaid may think fit.

Limitation of
Time for post-
ing Newspapers.

L. And be it enacted, That every *British* Newspaper sent by the Post to Places out of the United Kingdom shall in all Cases be put into a Post Office or Receiving Office in the United Kingdom within Seven Days next after the Day on which the same shall be published, the Day of Publication to be ascertained by the Date of such Paper; and in case a Paper shall be put into a Post Office after the Expiration of such Seven Days, the Postmaster General may either detain the

Paper or forward it by Post charged with full Postage as a Letter.

LI. And be it enacted, That in case any Person to whom a printed Newspaper brought into the United Kingdom shall be directed shall have removed from the Place to which it shall be directed, before the Delivery thereof at that Place, it may (provided it shall not have been opened) be re-directed and forwarded by Post to such Person at any other Place within the United Kingdom free of Charge for such extra Conveyance; but if the Newspaper shall have been opened, it shall be charged with the same Rate as if it were a Letter from the Place of Re-direction to the Place at which it shall be ultimately delivered.

Newspapers
re-directed.

LII. And be it enacted, That the Postmaster General may allow the Masters of Vessels, other than Packet Boats, a Sum not exceeding One Penny on every printed Newspaper, Foreign or Colonial, brought into the United Kingdom from a Port or Place out of the United Kingdom, and delivered by them at the Post Office of the Post Town at which they shall touch or arrive, and a Sum not exceeding One Penny on every printed Newspaper conveyed by them for or on behalf of the Post Office from the United Kingdom to any Port or Place out of the same, in respect of which no Gratuity is herein-before authorized to be allowed.

Allowance to
Masters of
Vessels for
Newspapers.

LIII. And be it enacted, That the following Classes of Persons may both send and receive Letters, not exceeding Half an Ounce in Weight, by the Post, on their own private Concerns, at a Postage of One Penny for each Letter; (namely,)

Letters of
Sailors and
Soldiers.

Every Seaman employed in Her Majesty's Navy, whether at home or abroad, whilst such Seaman shall be actually employed in Her Majesty's Service.

Every Serjeant, Corporal, Drummer, Trumpeter, Fifer, and private Soldier in Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whether at home or abroad, whilst actually employed in Her Majesty's Service.

Every Serjeant, Corporal, Drummer, Trumpeter, Fifer, and private Soldier in the Service of the *East India* Company whilst actually employed in the Service of the Company.

But the Letters of Commissioned Officers or Warrant Officers, whether in the Army or Navy, or Midshipmen, or Masters Mates of the Navy, are not included in this Provision.

And with respect to Letters sent by any such privileged Persons, the following Conditions shall be observed; (that is to say,) the Postage of each Letter (unless sent from Parts beyond the Seas, as herein-after mentioned,) shall be paid (or the Letter if posted within the United Kingdom, shall be duly and properly stamped,) on being put into a Post Office established under the Authority of the Postmaster General; and upon such Letter

shall be superscribed the Name of the Writer, and his Class or Description in the Vessel, Regiment, Corps, or Detachment to which he shall belong; and upon every such Letter there shall be written in the Handwriting of and signed by the Officer having at the Time the Command of the Vessel, or of the Regiment, Corps, or Detachment to which the privileged Person belongs, the Name of such Officer and the Name of such Vessel, or of such Regiment, Corps, or Detachment.

And with respect to Letters received by the Post by any of the said privileged Persons, the following Conditions shall be observed; the Postage of each Letter (unless sent from Parts beyond the Seas, as herein-after mentioned,) shall be paid (or the Letter, if posted within the United Kingdom, shall be duly and properly stamped) upon putting it into a Post Office established under the Authority of the Postmaster General, and it shall be directed to the privileged Person, specifying on the Superscription thereof the Vessel, or the Regiment, Corps, or Detachment to which he shall belong; and the Deputy Postmaster of the Place to which such Letter shall be sent to be delivered shall not deliver such Letter to any Person except the Person hereby privileged to whom it shall be directed, or to some Person appointed to receive the same, by Writing under the Hand of the Officer in command.

And whenever the Letters sent or received by any such privileged Persons shall be sent from Parts beyond the Seas without the said Postage of One Penny being prepaid, every such Letter shall be charged to the Party receiving the same with a Rate of Two-pence; and any Letters received by the Post under this Enactment by any such privileged Persons which may have been re-directed shall not be charged any Postage on or in respect of such Re-direction.

Privileged Persons may send by private ships.

LIV. And be it enacted, That any such privileged Persons may both send and receive Letters, not exceeding Half an Ounce in Weight, by private Ships, between the United Kingdom and Places beyond the Seas, on their own private Concerns, at the like Postage for each Letter, and subject to the like Conditions and Regulations, in all respects, as are herein-before mentioned in respect of Letters sent and received by any such privileged Persons by the Post; but whenever the Letters sent or received by any such privileged Persons shall be conveyed, or be intended to be conveyed, by private Ships, the Gratuities payable by Law to the Masters of such Vessels in respect of such Letters shall in all Cases be paid to the Post Office in addition to such Postage.

Not to extend to Foreign Postage.

LV. And be it enacted, That the said Privilege shall not extend to any Letters liable to any Foreign Rates of Postage.

Postage Privileges to cease.

LVI. And be it enacted, That, except in the Cases herein specified, all Privileges whatsoever of sending Letters by the Post

Post free of Postage, or at a reduced Rate of Postage, shall wholly cease and determine.

LVII. And be it enacted, That the Postmaster General may at any Time hereafter charge, for the Use of Her Majesty, on all Letters, Newspapers, and other printed Papers sent by the Post, on which the Postage shall not be pre-paid, and which shall not be duly and properly stamped, and also on all Letters sent by the Post without being duly and properly stamped, although the Postage thereon shall be wholly or in part pre-paid, such higher Rates of Postage than would otherwise by Law be payable on such Letters, Newspapers, or other printed Papers as the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, shall from Time to Time deem expedient, and may also remit any of the Rates of *British* Postage or Inland Postage for the Time being payable by Law on the Transmission of Post Letters, Newspapers, or other printed Papers, to such Extent as the Lords of the Treasury shall from Time to Time direct.

Additional Charge may be made on Letters not pre-paid.

LVIII. 'And whereas Communications may from Time to Time be opened with Foreign Post Offices, which may render an Alteration in the Rates of Postage expedient;' be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time, and at any Time after the passing of this Act, by Warrant under their Hands, to alter and fix any of the Rates of *British* Postage or Inland Postage payable by Law on the Transmission by the Post of Foreign or Colonial Letters or Newspapers, or of any other printed Papers, and to subject the same to Rates of Postage according to the Weight thereof, and a Scale of Weight to be contained in such Warrant, and from Time to Time, by Warrant as aforesaid, to alter or repeal any such altered Rates, and make and establish any new or other Rates in lieu thereof, and from Time to Time, by Warrant as aforesaid, to appoint at what Time the Rates which may be payable are to be paid, and the Power hereby given to alter and fix Rates of Postage shall extend to any Increase or Reduction, or Remission of Postage.

Postage on Foreign Letters may be altered.

LIX. And be it enacted, That the Rates of Postage from Time to Time to become payable under or by virtue of any Warrant of the Commissioners of Her Majesty's Treasury, under this Act, shall be charged by and be paid to Her Majesty's Postmaster General, for the Use of Her Majesty, on all Post Letters, Newspapers, or other printed Papers to which such Warrant shall extend; and that in all Cases in which any Rates of Postage shall be made payable under any such Warrant, every such Warrant shall be published in the *London Gazette*, and shall, within Fourteen Days after making the same, be laid before both Houses of Parliament (if then sitting), or otherwise within Fourteen Days after Parliament shall re-assemble; provided, that any Rates made payable by any such Warrant may be demanded and taken immediately after they shall

Payment of Postages established by Treasury Warrant.

shall have been so published in the *London Gazette*, although the same shall not then have been laid before Parliament.

Postage, if not pre-paid, to be paid by the Receiver.

LX. And be it enacted, That in all Cases in which the Postage of any unstamped Letter shall not have been paid by the Sender, it shall be paid by the Person to whom the Letter is addressed on the Delivery thereof to him; but if the Letter be refused, or the Party to whom it is addressed shall be dead, or cannot be found, the Writer or Sender shall pay the Postage; and this Enactment shall apply to every Packet, Newspaper, and Thing whatsoever chargeable with Postage which shall be transmitted by the Post.

Gratuities to Masters of Vessels may be altered.

LXI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to make any Reduction or Increase or Alteration they may consider expedient in the Gratuities allowed by this Act to Masters of Vessels for Letters and Newspapers conveyed by them for or on behalf of the Post Office, or delivered by them to the Post Office, and to allow and authorize such Gratuities for the Conveyance of Letters and Newspapers to Masters of Vessels passing to or from or between any of Her Majesty's Colonies or Possessions beyond the Seas, as they shall think fit, and also to allow and authorize any Gratuities to be paid to Pilots, Seamen, or others on the Letters and Newspapers they may bring to any Post Office from any Vessel.

Combustibles not to be sent by Post.

LXII. And be it enacted, That no Person shall post or cause to be posted, or send or cause to be sent, or tender or deliver in order to be sent by the Post, any Letter containing any explosive or other dangerous Material or Substance, and no such Letter shall be forwarded by the Post.

Letters to be sent as directed by the Postmaster General.

LXIII. And be it enacted, That all Post Letters shall be posted, forwarded, conveyed, and delivered, under and subject to all such Orders, Directions, and Regulations, and under and subject to all such Conditions, Limitations, and Restrictions as to the Form, Size, Dimensions, Enclosures, or otherwise, as the Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct.

Limits of Post Towns.

LXIV. And to prevent Disputes as to the Limits of Post Towns within which Letters are to be delivered by the Post; be it enacted, That it shall be lawful for the Postmaster General from Time to Time, in all Cases in which he shall deem the same expedient, by Writing under his Hand, to fix and declare the Limits of any Post Town within the United Kingdom or other Her Majesty's Dominions, which shall be binding and conclusive on all Persons whomsoever.

Letters with contraband Goods.

LXV. And be it enacted, That it shall be lawful for the Postmaster General, or any of his Officers, to detain any Post Letter suspected to contain any contraband Goods, and forward the same to the Commissioners of Her Majesty's Customs, who, in the Presence of the Person to whom the same may be addressed, or in his Absence, in case of Nonattendance, after

Notice

Notice in Writing from the said Commissioners requiring his Attendance, left at or forwarded by the Post according to the Address on the Letter, may open and examine the same, and in case on any such Examination any contraband Goods shall be discovered, the said Commissioners may detain the Letter and its Contents for the Purpose of Prosecution; and if no contraband Goods shall be discovered in such Letter, the same shall, if the Party to whom the same is addressed be present, be handed over to him on his paying the Postage (if any) charged thereon, or, if he shall not be present, the same shall be returned to the Post Office, and be forwarded to the Place of its Address.

LXVI. And for the more effectual Prosecution of Offences committed against the Post Office, be it enacted, That in any Indictment or Criminal Letters for any Offence committed upon or in respect of any Property which may be laid in or stated to belong to the Postmaster General, it shall be sufficient to state any such Property to belong to and to lay it in "Her Majesty's Postmaster General;" and it shall not be necessary to specify the Name or Addition of any such Postmaster General; and that whenever, in any Indictment or Criminal Letters for any Offence committed against the Post Office Acts, it shall be necessary to mention for any Purpose whatever Her Majesty's Postmaster General, it shall be sufficient to describe such Postmaster General as "Her Majesty's Postmaster General," without any further or other Name, Addition, or Description whatsoever.

For Prosecution of Offences.

LXVII. And to enable the Postmaster General for the Time being to hold and take Conveyances and Leases of Messuages, Tenements, Lands, and Hereditaments for the Service of the Post Office, and to transmit the same to his Successors, be it enacted, That for such Purpose Her Majesty's Postmaster General and his Successors shall be and is and are hereby made a Body Corporate, and shall have a Seal; and that all Messuages, Tenements, Lands, and Hereditaments, of whatsoever Nature and Tenure, now vested in Her Majesty's present Postmaster General, his Heirs, Executors, Administrators, and Assigns, in Trust for Her Majesty and Her Successors, shall immediately on the passing of this Act be and become vested in him in his Corporate Capacity, and his Successors for ever, in Trust as aforesaid.

Postmaster General to be a Body Corporate.

LXVIII. And be it enacted, That so much of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, for granting to His Majesty the Sum of Twenty thousand Pounds towards repairing Roads between London and Holyhead by Chester, and between London and Bangor by Shrewsbury, and for giving additional Powers to the Commissioners therein named to build a Bridge over the Menai Straits, and to make a new Road from Bangor Ferry to Holyhead in the County of Anglesea*, as authorizes and requires additional Rates of Postage

Repeal of Acts or Parts of Acts:
59 G. 3. c. 48.

age

- age to be charged and levied on Letters and Packets conveyed by Post by Way of *Dublin and Holyhead*; and so much of an Act passed in the First and Second Years of the Reign of
- 1 & 2 G. 4. c. 35. His late Majesty King *George the Fourth*, intituled *An Act for applying a certain Sum of Money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the Purpose of building a Bridge over the River Conway in the County of Carnarvon, and for imposing additional Rates of Postage on Letters and Packets conveyed over the said Bridge*, as authorizes and requires additional Rates of Postage to be charged and levied on Letters and Packets conveyed by Post to and from any Part of *Great Britain or Ireland* by way of *Conway and Chester*; and so much of an Act passed in the Fourth Year of the Reign of His late Majesty King *George the Fourth*, intituled
- 4 G. 4. c. 74. *An Act for vesting in Commissioners the Bridges now building over the Menai Straits and the River Conway, the Harbours of Howth and Holyhead, and the Road from Dublin to Howth, and for the further Improvement of the Road from London to Holyhead*, as enacts that the additional Rates of Postage granted by the said Act of the Fifty-ninth Year of the Reign of King *George the Third* shall be continued to be charged and received; and so much of an Act passed in the Sixth Year of the Reign
- 5 & 6 W. 4. c. 25. of His late Majesty King *William the Fourth*, intituled *An Act for granting an additional Rate of Postage on Letters between Great Britain and Ireland by Way of Milford and Waterford*, as authorizes and requires additional Rates of Postage to be charged and levied on Letters conveyed by Post by Way of *Milford and Waterford*; and so much of any other Act or Acts as authorize or require any additional Rates to be charged and levied on Letters to and from *Ireland* by Way of *Holyhead* in respect of *Menai Bridge*, by Way of *Conway and Chester* in respect of *Conway Bridge*, and by Way of *Milford and Waterford*; and so much of an Act passed in the First Year of the Reign
- 7 W. 4. & 1 Vict. c. 33. of Her present Majesty, intituled *An Act for the Management of the Post Office*, as directs the respective Post Office Receivers General of *England and Ireland* to distinguish in their Accounts the respective additional Rates of Postage granted in respect of the *Menai and Conway Bridges*, and on Letters conveyed by Way of *Milford and Waterford*, and to the Payment of the Amount thereof into the Exchequer; and so much of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to repeal the several Laws relating to the Post Office*, as repeals any Part of an Act passed in the Third Year
- 7 W. 4. & 1 Vict. c. 32. of the Reign of King *George the Fourth*, intituled *An Act to amend the general Laws now in being regulating Turnpike Roads in that Part of Great Britain called England*, and as repeals any
- 3 G. 4. c. 126. Part of an Act passed in the Fourth Year of the Reign of King *George the Fourth*, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; and also an Act passed in the First Year of the Reign of Her
- 4 G. 4. c. 95. present

present Majesty, intituled *An Act for the Regulation of the Duties of Postage*; and an Act passed in the same Session of Parliament, intituled *An Act for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage*; and so much of any other Act or Acts now in force at authorize the sending or receiving Letters and Packets by the Post free from the Duty of Postage; and also an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to impose Rates of Packet Postage on East India Letters, and to amend certain Acts relating to the Post Office*, excepting so much thereof as authorizes the Payment out of the Revenue of the Post Office of any Deficiency in the Superannuation Fund for old and infirm Letter Carriers; and also an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for imposing Rates of Postage on the Conveyance of Letters by Packet Bouts between Places in the Mediterranean and other Ports*; and also the hereinbefore recited Act passed in the last Session of Parliament, intituled *An Act for the further Regulation of the Duties on Postage until the Fifth Day of October One thousand eight hundred and forty*, and the several Treasury Warrants issued in pursuance of the said last-mentioned Act, shall be and the same are hereby repealed and rescinded, except as to any Act done or performed, or any Appointment made, or any Power, Authority, or Consent given or granted under or by virtue of the said recited Acts, or any of them respectively, or by or in pursuance of the said Treasury Warrants, and except in respect of any Postage Duties which may have become payable under or by virtue of any of the said Acts or Treasury Warrants hereby repealed and rescinded, or any Proceedings for Recovery of such Duties, and except also as to any Offence committed against the Provisions of the said Acts hereby repealed or any other Acts, and any Fine or Penalty incurred by reason of any such Offence, or any Proceeding for Recovery of any such Fine or Penalty, or for the Punishment of any Offender.

7 W. 4. & 1 Vict. c. 34.

7 W. 4. & 1 Vict. c. 35.

7 W. 4. & 1 Vict. c. 76.

1 & 2 Vict. c. 97.

and 2 & 3 Vict. c. 52.

LXIX. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, in their Discretion, to authorize and empower the Receiver General of the Post Office in *England* from Time to Time to pay to the Receipt of Her Majesty's Exchequer, out of the Revenue of the Post Office, by quarterly, half-yearly, or annual Payments, as the Commissioners of Her Majesty's Treasury may think fit, such an annual Sum or Sums of Money as they may deem equivalent to the annual Amount of the additional Rates of Postage which were payable under the said recited Act passed in the Sixth Year of the Reign of King *William* the Fourth, up to the Time of the Suspension of the said Rates, which annual Sum or Sums shall be calculated and fixed on an Average of the Produce of the said additional Rates for Three Years up to the Time at which the same were suspended; and the said Sum or Sums shall be paid accordingly for and on account of the *Milford Road* Fund, and shall be carried to the

Consolidated

A Sum to be paid out of the Postage Rates to Consolidated Fund equal to *Milford Postage Rates* repealed.

Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and be applied as the said additional Rates would have been applicable by Law if the same had not been suspended or repealed.

Treasury Warrant may be under the Hands of the Lords of Treasury or any Three of them.

LXX. And be it enacted, That wherever the Warrant of the Commissioners of Her Majesty's Treasury is required by this Act, such Warrant may be under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them; and that whenever the Order, Consent, Authority, or Direction of the Commissioners of Her Majesty's Treasury is prescribed by this Act, such Order, Consent, Authority, or Direction (not being by Warrant) may be signified either under the Hands of the Commissioners of Her Majesty's Treasury, or any Three of them, or under the Hand of One of their Secretaries or Assistant Secretaries.

Interpretation Clause.

LXXI. And be it enacted, That the following Terms and Expressions, whenever used in this or any other Post Office Act, shall have the several Interpretations herein-after respectively set forth, unless such Interpretations are repugnant to the Subject or inconsistent with the Context of the Provisions in which they may be found; (that is to say,) the Term "*British Newspapers*" shall mean Newspapers printed and published in the United Kingdom liable to the Stamp Duties and duly stamped, and also Newspapers printed in the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, although not liable to Stamp Duties; and the Term "*inward-bound*" shall be held to include Vessels bound as well to any Port in the United Kingdom as to any Port in any of Her Majesty's Colonies; and the Term "*outward-bound*" shall be held to include Vessels bound as well from any Port in the United Kingdom as from any Port in Her Majesty's Colonies; and that the Term "*United Kingdom*", shall mean the United Kingdom of *Great Britain and Ireland*, and the Islands of *Man, Jersey, Guernsey, Sark, and Alderney*; and that the Term "*Her Majesty's Colonies*" shall include every Port and Place within the Territorial Acquisitions now vested in the *East India Company* in Trust for Her Majesty, the *Cape of Good Hope*, the Island of *Saint Helena*, the *Ionian Islands*, and *Honduras*, as well as Her Majesty's other Colonies and Possessions beyond the Seas (the Islands of *Man, Guernsey, Jersey, Alderney, and Sark* only excepted); and that the Term "*by the Post*" shall extend to and include the Transmission of Post Letters as well by any General or Twopenny or Penny or Convention Post as by Packet Boat; and the Term "*Post Town*" shall include every City, Town, and Place where a Post Office is or shall be established; and that the several other Terms and Expressions used in this Act shall be construed according to the respective Interpretations of the Terms and Expressions contained in the said Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the Judicial Administration of the Post Office Laws, and for explaining certain*

certain Terms and Expressions employed in those Laws, so far as those Interpretations are not repugnant to the Subject or inconsistent with the Context of such Terms and Expressions.

LXXII. And be it enacted, That this Act shall come into operation on the First Day of *September* One thousand eight hundred and forty. Commence-
ment of Act.

LXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be
amended, &c.

The SCHEDULE to which this Act refers.

On all Letters, not exceeding Half an Ounce in Weight, transmitted by the Post between the United Kingdom and Foreign Parts, or between any of the Places out of the United Kingdom herein-after mentioned, there shall be charged and taken the following Rates of British Postage; (that is to say,)

By Packet Boat between Dover or any other Port in the United Kingdom and Calais or any other Port in France, a Packet Rate of -	s.	d.
Between France and any Place in the United Kingdom distant from Dover or other Port in the United Kingdom not more than Eight Miles, a Rate (the Packet Rate included) of	0	3
Between France and any Place distant from Dover or other Port as aforesaid more than Eight Miles and not more than Fifteen Miles, a Rate (the Packet Rate included) of	0	5
Between France and any Place distant from Dover or other Port as aforesaid more than Fifteen Miles and not more than Twenty Miles, a Rate (the Packet Rate included) of	0	6
Between France and any Place distant from Dover or other Port as aforesaid more than Twenty Miles and not more than Thirty Miles, a Rate (the Packet Rate included) of	0	7
Between France and any Place distant from Dover or other Port as aforesaid more than Thirty Miles and not more than Fifty Miles, a Rate (the Packet Rate included) of -	0	8
And between France and any Place in the United Kingdom distant from Dover or other Port as aforesaid more than Fifty Miles, or between France and London or any Place in the United Kingdom through London, an uniform Rate (the Packet Rate included) of	0	9
Between any Part of the United Kingdom and Spain, otherwise than through France, an uniform Rate of - - - - -	0	10
Between any Part of the United Kingdom and the United States of America, an uniform Rate of - - - - -	2	2
Between any Part of the United Kingdom and the United States of America, an uniform Rate of - - - - -	1	0

	s.	d.
Between London and the following Places, by way of France; viz., Malta, the Ionian Islands, Greece, Syria, and Egypt, an uniform Rate of - - - - -	0	10
Between London and Germany, by way of France - - - - -	1	4
Between London and Switzerland, by way of France - - - - -	1	2
Between London and Spain, by way of France - - - - -	1	7
Between London and the following Places, by way of France; viz., Italy, Sicily, Venetian Lombardy, Turkey, the Levant, and the Archipelago - - - - -	1	7
Between London and Holland - - - - -	1	4
Between London and Belgium - - - - -	1	4
Between London and Switzerland - - - - -	1	8
Between London and Germany - - - - -	1	8
Between London and Denmark - - - - -	1	8
Between London and Sweden, and other Parts of the North of Europe - - - - -	1	8
Between London and the following Countries, through Belgium, or Holland or Germany; viz. Italy, Sicily, Venetian Lombardy, Malta, the Ionian Islands, Greece, Turkey, the Levant, the Archipelago, Syria, or Egypt - - - - -	1	8
Between any Part of the United Kingdom, and any Place in the East Indies, via France, in addition to the Red Sea or Persian Gulf Packet Rate herein-after mentioned - - - - -	0	10

Nevertheless all Foreign Letters herein rated between London and a Place abroad (but not including Letters between France and any Port in the United Kingdom distant from Dover or any other Port in the United Kingdom not more than Fifty Miles) which shall be sent to or from any Place in the United Kingdom, without coming to or passing through London, shall be charged as if they had been sent from or to London.

And the Rates of British Postage for every Letter not exceeding Half an Ounce in Weight, transmitted by Packet Boats between the Places herein-after mentioned, shall be as follows:

	s.	d.
Between a Port in the United Kingdom and Lisbon or any other Port in Portugal - - - - -	1	7
Between a Port in the United Kingdom and the Kingdom of Greece or any Port in Syria or Egypt, but not including Letters transmitted between the United Kingdom and the East Indies - - - - -	2	3
Between Suez or Bassora, or any other Port in the Red Sea or Persian Gulf, and any Port in the East Indies (Letters transmitted by Her Majesty's Mediterranean Packets to or from the United Kingdom only excepted) - - - - -	1	0

	s.	d.
Between any of the Ports or Islands or Places situate upon the Mediterranean Sea, the Adriatic Sea, the Archipelago, the Black Sea, in Turkey, in Europe and Asia, in Spain, Portugal, Italy, France, in the Mediterranean, and upon the Northern Coast of Africa, whether in the Mediterranean or in the Straits of Gibraltar (not having been first brought or conveyed from the United Kingdom, or not being intended to be conveyed to the United Kingdom) - - -	0	6
Between any of the Ports or Places last aforesaid and any Port or Place in the East Indies, by way of the Red Sea or the Persian Gulf, in addition to the aforesaid Red Sea or Persian Gulf Packet Rate - - -	0	6
Between a Port in the United Kingdom and the Island of Madeira - - -	1	8
Between a Port in the United Kingdom and any Port in the Island of Cuba in the West Indies, or any Port in Columbia or Mexico - - -	2	1
Between any Port in the British Possessions in the West Indies and any Port in Columbia or Mexico - - -	1	0
Between any Port in the United Kingdom and Brazil - - -	2	7
Between any Port in the United Kingdom and Buenos Ayres, or any other Ports on the Continent of South America (other than Columbia, Brazil, or Mexico) - - -	2	5
Between any Port in the United Kingdom and any Ports in the Islands of Saint Domingo, Martinique, Guadaloupe, Saint Thomas, Saint Croix, Saint Martin, or any other Foreign Island in the West Indies between which and the United Kingdom no Rate is herein-before authorized - - -	1	3

And in addition to the foregoing Rates, (except on Letters between the United Kingdom and France, and between the United Kingdom and Spain, (otherwise than by way of France,) and between the United Kingdom and the United States of America,) there shall be paid on every such Letter as aforesaid an Inland Rate of Postage of Two-pence for the Distance any such Letter shall be conveyed within the United Kingdom; and on every Letter so transmitted as herein-before mentioned, exceeding Half an Ounce in Weight, there shall be charged and taken progressive and additional Rates of British Postage, according to the Scale of Weight and Number of Rates in this Act contained as to Letters, estimating and charging each additional Rate at the Amount herein-before directed to be charged and taken on every Letter so transmitted, not exceeding

[No. 38. Price 2d.] P p ing

ing Half an Ounce in Weight, and charging the Inland Rate as aforesaid, but so that Letters herein rated between London and a Place abroad shall not be charged any Inland Rate for the Distance between London and the Outport at which the Packet Boats conveying the same shall be stationed.

Transit Letters.

And on every Letter between Foreign Countries, or between any Foreign Country and any of Her Majesty's Colonies, transmitted by the Post through the United Kingdom, there shall be charged and taken for the Distance any such Letter shall be carried within the United Kingdom (in addition to the Rates to and from the United Kingdom to which such Letter will be liable under this Act) any such Inland Rate or Rates of Postage, not exceeding One Shilling on any Letter not being more than Half an Ounce in Weight, as the Commissioners of Her Majesty's Treasury may, by Warrant under their Hands, direct, and on any Letter exceeding that Weight progressive and additional Rates of British Postage, according to the Scale of Weight and Number of Rates in this Act contained as to Letters, estimating and charging each additional Rate at the Sum which any such Letter would be charged with under this Act if not exceeding Half an Ounce in Weight, but so that no such Letter be transmitted through the United Kingdom unless the British Postage chargeable thereon be paid before the same be sent out of the United Kingdom, or unless there be a Treaty between the Postmaster General and the Post Office of the Foreign Country from which it shall have been forwarded, or to which it shall be addressed, for collecting and accounting for the British Postage on such Letters.

CAP. XCVII.

An Act for regulating Railways. [10th August 1840.]

‘WHEREAS it is expedient for the Safety of the Public to provide for the due Supervision of Railways:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, after Two Months from the passing of this Act, no Railway, or Portion of any Railway, shall be opened for the public Conveyance of Passengers or Goods until One Calendar Month after Notice in Writing of the Intention of opening the same shall have been given, by the Company to whom such Railway shall belong, to the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations.

II. And be it enacted, That if any Railway, or Portion of any Railway, shall be opened without due Notice as aforesaid, the Company to whom such Railway shall belong shall forfeit to Her Majesty the Sum of Twenty Pounds for every Day during

516 Pc 55
748 Pc 154.1516

No Railway to be opened without Notice to the Board of Trade.

Penalty for opening Railways without Notice.

during which the same shall continue open, until the Expiration of One Calendar Month after the Company shall have given the like Notice as is herein-before required before the opening of the Railway; and any such Penalty may be recovered in any of Her Majesty's Courts of Record.

III. And be it enacted, That the Lords of the said Committee may order and direct every Railway Company to make up and deliver to them Returns, according to a Form to be provided by the Lords of the said Committee, of the aggregate Traffic in Passengers, according to the several Classes, and of the aggregate Traffic in Cattle and Goods respectively, on the said Railway, as well as of all Accidents which shall have occurred thereon attended with personal Injury, and also a Table of all Tolls, Rates, and Charges from Time to Time levied on each Class Passengers, and on Cattle and Goods, conveyed on the said Railway; and if the Returns herein specified shall not be delivered within Thirty Days after the same shall have been required, every such Company shall forfeit to Her Majesty the Sum of Twenty Pounds for every Day during which the said Company shall wilfully neglect to deliver the same; and every such Penalty may be recovered in any of Her Majesty's Courts of Record: Provided always, that such Returns shall be required, in like Manner and at the same Time, from all the said Companies, unless the Lords of the said Committee shall specially exempt any of the said Companies, and shall enter the Grounds of such Exemption in the Minutes of their Proceedings.

Returns to be made by Railway Companies.

IV. And be it enacted, That every Officer of any Company who shall wilfully make any false Return to the Lords of the said Committee shall be deemed guilty of a Misdemeanor.

Penalty for making false Returns.

V. And be it enacted, That it shall be lawful for the Lords of the said Committee, if and when they shall think fit, to authorize any proper Person or Persons to inspect any Railway; and it shall be lawful for every Person so authorized, at all reasonable Times, upon producing his Authority, if required, to enter upon and examine the said Railway, and the Stations, Works, and Buildings, and the Engines and Carriages belonging thereto: Provided always, that no Person shall be eligible to the Appointment as Inspector as aforesaid who shall within One Year of his Appointment have been a Director or have held any Office of Trust or Profit under any Railway Company.

Board of Trade may appoint Persons to inspect Railways.

VI. And be it enacted, That every Person wilfully obstructing any Person, duly authorized as aforesaid, in the Execution of his Duty, shall, on Conviction before a Justice of the Peace having Jurisdiction in the Place where the Offence shall have been committed, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and on default of Payment of any Penalty so adjudged, immediately or within such Time as the said Justice of the Peace shall appoint, the same Justice, or any other Justice having Jurisdiction in the Place where the Offender shall be or reside, may commit the Offender to

Penalty on Persons obstructing Inspector.

Prison for any Period not exceeding Three Calendar Months; such Commitment to be determined on Payment of the Amount of the Penalty; and every such Penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual Manner.

Copies of existing Bye Laws to be laid before the Board of Trade;

VII. 'And whereas many Railway Companies are or may hereafter be empowered by Act of Parliament to make Bye Laws, Orders, Rules, or Regulations, and to impose Penalties for the Enforcement thereof, upon Persons other than the Servants of the said Companies, and it is expedient that such Powers should be under proper Control;' be it enacted, That true Copies of all such Bye Laws, Orders, Rules, and Regulations made under any such Powers by every such Company before the passing of this Act, certified in such Manner as the Lords of the said Committee shall from Time to Time direct, shall, within Two Calendar Months after the passing of this Act, be laid before the Lords of the said Committee; and that every such Bye Law, Order, Rule, or Regulation, not so laid before the Lords of the said Committee within the aforesaid Period, shall, from and after that Period, cease to have any Force or Effect, saving in so far as any Penalty may have been then already incurred under the same.

otherwise to be void.

No future Bye Laws to be valid till Two Calendar Months after they have been laid before the Board of Trade.

VIII. And be it enacted, That no such Bye Law, Order, Rule, or Regulation made under any such Power, and which shall not be in force at the Time of the passing of this Act, and no Order, Rule, or Regulation annulling any such existing Bye Law, Rule, Order, or Regulation which shall be made after the passing of this Act, shall have any Force or Effect until Two Calendar Months after a true Copy of such Bye Law, Order, Rule, or Regulation, certified as aforesaid, shall have been laid before the Lords of the said Committee, unless the Lords of the said Committee shall, before such Period, signify their Approval thereof.

Board of Trade may disallow Bye Laws.

IX. And be it enacted, That it shall be lawful for the Lords of the said Committee, at any Time either before or after any Bye Law, Order, Rule, or Regulation shall have been laid before them as aforesaid shall have come into operation, to notify to the Company who shall have made the same their Disallowance thereof, and, in case the same shall be in force at the Time of such Disallowance, the Time at which the same shall cease to be in force; and no Bye Law, Order, Rule, or Regulation which shall be so disallowed shall have any Force or Effect whatsoever, or if it shall be in force at the Time of such Disallowance, it shall cease to have any Force or Effect at the Time limited in the Notice of such Disallowance, saving in so far as any Penalty may have been then already incurred under the same.

Provisions of Railway Acts requiring Confirmation of Bye Laws repealed.

X. And be it enacted, That so much of every Clause, Provision, and Enactment in any Act of Parliament heretofore passed as may require the Approval or Concurrence of any Justice of the Peace, Court of Quarter Sessions, or other Person or Persons, other than Members of the said Companies, to give

give Validity to any Bye Laws, Orders, Rules, or Regulations made by any such Company, shall be repealed.

XI. And be it enacted, That whenever it shall appear to the Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any of the said Companies, or the Provisions of this Act, have not been complied with on the Part of any of the said Companies, or any of their Officers, and that it would be for the public Advantage that the due Performance of the same should be enforced, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England* or *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon the said Attorney General or Lord Advocate shall, by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, proceed to recover such Penalties and Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Noncompliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of the said Acts: Provided always, that no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice of their Intention to give the same to the Company against or in relation to whom they shall intend to give the same.

Board of Trade may direct Prosecutions to enforce Provisions of Railway Acts.

Notice to be given to the Company.

XII. And be it enacted, That no legal Proceedings shall be commenced under the Authority of the Lords of the said Committee against any Railway Company for any Offence against this Act, or any of the several Acts of Parliament relating to Railways, except upon such Certificate of the Lords of the said Committee as aforesaid, and within One Year after such Offence shall have been committed.

Prosecutions to be under Sanction of Board of Trade, and within One Year after the Offence.

XIII. And be it enacted, That it shall be lawful for any Officer or Agent of any Railway Company, or for any Special Constable duly appointed, and all such Persons as they may call to their Assistance, to seize and detain any Engine Driver, Guard, Porter, or other Servant in the Employ of such Company who shall be found drunk while employed upon the Railway, or commit any Offence against any of the Bye Laws, Rules, or Regulations of such Company, or shall wilfully, maliciously, or negligently do or omit to do any Act whereby the Life or Limb of any Person passing along or being upon the Railway belonging to such Company, or the Works thereof respectively, shall be or might be injured or endangered, or whereby the Passage of any of the Engines, Carriages, or Trains shall be or might be obstructed or impeded, and to convey such Engine Driver, Guard, Porter, or other Servant so offending, or any Person counselling, aiding, or assisting in such Offence, with all convenient Despatch, before some Justice of the Peace for the Place within which such Offence shall be committed, without any other Warrant or Authority than this Act; and every such Person so offending, and every Person counselling, aiding, or assisting therein as aforesaid, shall, when convicted before such

Punishment of Servants of Railway Companies guilty of Misconduct.

Justice as aforesaid, (who is hereby authorized and required, upon Complaint to him made, upon Oath, without Information in Writing, to take cognizance thereof, and to act summarily in the Premises,) in the Discretion of such Justice, be imprisoned, with or without hard Labour, for any Term not exceeding Two Calendar Months, or, in the like Discretion of such Justice, shall for every such Offence forfeit to Her Majesty any Sum not exceeding Ten Pounds, and in default of Payment thereof shall be imprisoned, with or without hard Labour as aforesaid, for such Period, not exceeding Two Calendar Months, as such Justice shall appoint; such Commitment to be determined on Payment of the Amount of the Penalty; and every such Penalty shall be returned to the next ensuing Court of Quarter Sessions in the usual Manner.

Justice of the Peace empowered to send any Case to be tried by the Quarter Sessions.

XIV. Provided always, and be it enacted, That (if upon the Hearing of any such Complaint he shall think fit) it shall be lawful for such Justice, instead of deciding upon the Matter of Complaint summarily to commit the Person or Persons charged with such Offence for Trial for the same at the Quarter Sessions for the County or Place wherein such Offence shall have been committed, and to order that any such Person so committed shall be imprisoned and detained in any of Her Majesty's Gaols or Houses of Correction in the said County or Place in the meantime, or to take Bail for his Appearance, with or without Sureties, in his Discretion; and every such Person so offending, and convicted before such Court of Quarter Sessions as aforesaid (which said Court is hereby required to take cognizance of and hear and determine such Complaint), shall be liable, in the Discretion of such Court, to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

Punishment of Persons obstructing Railway.

XV. And be it enacted, That from and after the passing of this Act every Person who shall wilfully do or cause to be done any thing in such Manner as to obstruct any Engine or Carriage using any Railway, or to endanger the Safety of Persons conveyed in or upon the same, or shall aid or assist therein, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court before which he shall have been convicted, to be imprisoned, with or without hard Labour, for any Term not exceeding Two Years.

For Punishment of Persons obstructing the Officers of any Railway Company, or trespassing upon any Railway.

XVI. And be it enacted, That if any Person shall wilfully obstruct or impede any Officer or Agent of any Railway Company in the Execution of his Duty upon any Railway, or upon or in any of the Stations or other Works or Premises connected therewith, or if any Person shall wilfully trespass upon any Railway, or any of the Stations or other Works or Premises connected therewith, and shall refuse to quit the same upon Request to him made by any Officer or Agent of the said Company, every such Person so offending, and all others aiding or assisting therein, shall and may be seized and detained by any such Officer or Agent, or any Person whom he may call to his

his Assistance, until such Offender or Offenders can be conveniently taken before some Justice of the Peace for the County or Place wherein such Offence shall be committed, and when convicted before such Justice as aforesaid (who is hereby authorized and required, upon Complaint to him upon Oath, to take cognizance thereof, and to act summarily in the Premises,) shall, in the Discretion of such Justice, forfeit to Her Majesty any Sum not exceeding Five Pounds, and in default of Payment thereof shall or may be imprisoned for any Term not exceeding Two Calendar Months, such Imprisonment to be determined on Payment of the Amount of the Penalty.

XVII. And be it enacted, That no Proceeding to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form or removed, into the Superior Courts.

XVIII. ' And whereas many Railway Companies are bound, by the Provisions of the Acts of Parliament by which they are incorporated or regulated, to make, at the Expence of the Owner or Occupier of Lands adjoining the Railway, Openings in the Ledges or Flanches thereof (except at certain Places on such Railway in the said Acts specified), for effecting Communications between such Railway and any Collateral or Branch Railway to be laid down over such Lands, and any Disagreement or Difference which shall arise as to the proper Places for making any such Openings in the Ledges or Flanches is by such Acts directed to be referred to the Decision of any Two Justices of the Peace within their respective Jurisdictions: And whereas it is expedient that so much of every Clause, Provision, and Enactment in any Act of Parliament heretofore passed, as gives to any Justice or Justices the Power of hearing or deciding upon any such Disagreement or Difference as to the proper Places for any such Openings in the Ledges or Flanches of any Railway, should be repealed; be it therefore enacted, That so much of every such Clause, Provision, and Enactment as aforesaid shall be repealed.

Repeal of all Provisions in Railway Acts that empower Two Justices to decide Disputes respecting the proper Places for Openings in the Ledges or Flanches of Railways.

XIX. And be it enacted, That in case any Disagreement or Difference shall arise between any such Owner or Occupier, or other Persons, and any Railway Company, as to the proper Places for any such Openings in the Ledges or Flanches of any Railway (except at such Places as aforesaid), for the Purpose of such Communication, then the same shall be left to the Decision of the Lords of the said Committee, who are hereby empowered to hear and determine the same in such Way as they shall think fit, and their Determination shall be binding on all Parties.

Board of Trade to determine such Disputes in future.

XX. And be it enacted, That all Notices, Returns, and other Documents required by this Act to be given to or laid before the Lords of the said Committee shall be delivered at or sent by the Post to the Office of the Lords of the said Committee;

Communications to the Board to be left at their Office.

Communica-
tions by the
Board how
to be authen-
ticated.

What shall be
deemed good
Service on Rail-
way Company.

Meaning of the
Words "Rail-
way" and
"Company."

Act may be
amended, &c.

and all Notices, Appointments, Requisitions, Certificates, or other Documents in Writing signed by one of the Secretaries of the said Committee, or by some Officer appointed for that Purpose by the Lords of the said Committee, and purporting to be made by the Lords of the said Committee, shall, for the Purposes of this Act, be deemed to have been made by the Lords of the said Committee; and Service of the same upon any One or more of the Directors of any Railway Company, or on the Secretary or Clerk of the said Company, or by leaving the same with the Clerk or Officer at one of the Stations belonging to the said Company, shall be deemed good Service upon the said Company.

XXI. And be it enacted, That wherever the Word "Railway" is used in this Act it shall be construed to extend to all Railways constructed under the Powers of any Act of Parliament, and intended for the Conveyance of Passengers in or upon Carriages drawn or impelled by the Power of Steam or by any other mechanical Power; and wherever the Word "Company" is used in this Act it shall be construed to extend to and include the Proprietors for the Time being of any such Railway, whether a Body Corporate or Individuals, and their Lessees, Executors, Administrators, and Assigns, unless the Subject or Context be repugnant to such Construction.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. XCVIII.

An Act to authorize, for a limited Time, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Townships and Districts.

[10th August 1840.]

2 & 3 Vict. c. 81.

‘ WHEREAS by an Act passed in the last Session of
‘ Parliament, intituled *An Act to authorize for a Year,*
‘ *and from thence to the End of the then next Session of Parliament,*
‘ *the Application of a Portion of the Highway Rates to Turnpike*
‘ *Roads in certain Cases,* the Justices at any Special Session for
‘ the Highways were empowered for a limited Period, upon
‘ Proof that the Funds of any Turnpike Trusts were insufficient
‘ for the Repairs of the Turnpike Road within any Parish
‘ belonging to such Trust, to order, if they should so think
‘ fit, that a Portion of the Highway Rate levied or to be levied
‘ within such Parish should be paid to the Commissioners or
‘ Trustees, or to the Clerk, Treasurer, or other Officer of
‘ such Turnpike Trust, to be laid out in the actual Repair
‘ of such Turnpike Road lying within such Parish: And
‘ whereas it is expedient to declare and define the Provisions
‘ of the said Act, and to apply them to every Place and
‘ District maintaining its own Highways, whether such Place
‘ or

‘ or District be a Parish or not.’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act all the Powers and Provisions of the said Act in respect of Parishes, and of Highway Rates levied or to be levied within Parishes, and of Turnpike Roads lying therein, shall be applied and extend, and shall be taken and construed to extend, to every Parish, Township, Tithing, Rape, Vill, Wapentake, Division, City, Borough, Liberty, Market Town, Franchise, Hamlet, Precinct, Chapelry, or other Place or District maintaining its own Highways, and to the Highway Rate levied or to be levied within any such Place or District, and to every Turnpike Road therein.

Application of
2 & 3 Vict. c. 81.
to Townships
and other Dis-
tricts.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be
amended.

III. And be it enacted, That this Act shall continue in force during the Continuance of the said Act of the last Session of Parliament.

Continuance
of Act.

CAP. XCIX.

An Act for taking an Account of the Population of
Great Britain.

[10th August 1840.]

445 VCJ
529

‘ **WHEREAS** it is expedient to take an Account of the total Number of Persons within the Kingdom of *Great Britain* ;’ be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Time and in the Manner herein-after directed an Account shall be taken of the Number of Persons who at the Time of taking such Account shall be within *England* and *Scotland* respectively, and the Persons employed in taking such Account shall set down the several Particulars respecting the same according to such Form as shall be prescribed by the Commissioners herein-after mentioned.

Account of the
Population to
be taken.

II. And be it enacted, That the Registrar General of Births, Deaths, and Marriages in *England*, with such other Person or Persons as shall be associated with him for that Purpose by Her Majesty, shall be Commissioners for taking Account of the Population in *Great Britain*, and shall have the Care of superintending the taking of such Account, and of making such preliminary Inquiries as may be necessary to enable them to determine on the best Manner of putting this Act into execution, and shall prepare and cause to be printed for the Use of the Persons to be employed in taking such Account such Forms and Instructions as they shall deem necessary; and the

Commissioners
for taking Ac-
count of the
Population.

Registrar

Registrar General shall issue all Forms and Instructions which shall have been agreed upon by the said Commissioners to the Persons for whose Use they shall be intended; and all the Expenses which shall be incurred by the said Commissioners in performing the Duties assigned to them by this Act, and taking the said Account, not herein otherwise provided for, shall be deemed to be incurred in the Business of the General Register Office, and shall be defrayed accordingly.

Registrars Dis-
tricts in Eng-
land to be
formed into
Enumeration
Districts.

III. And be it enacted, That every Registrar's District in *England* shall be formed into One or more Enumeration Districts, according to such Instructions as shall be agreed upon by the said Commissioners; and the Registrar General shall send to every Registrar in *England*, on or before the Thirty-first Day of *December* next, a sufficient Number of Copies of such Instructions; and the Registrars, with all convenient Speed, shall divide the several Districts into Enumeration Districts, according to such Instructions, and subject in each Case to be revised by the Superintendent Registrars, and to the final Revision and Approval of the said Commissioners.

Enumerators to
be appointed.

IV. And be it enacted, That the several Registrars of Births and Deaths in *England* shall make and return to their Superintendent Registrar a List, containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to such Instructions as shall have been agreed upon by the said Commissioners, to take Account of the Population within their several Districts, and such Persons, when approved by the Superintendent Registrar, shall be appointed Enumerators for taking such Account, subject nevertheless to the Approval of the said Commissioners; and the Registrar, with the Approval of the Superintendent Registrar, shall assign a District to each Enumerator, and shall distribute to the Enumerators in his District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator fully and thoroughly understands the Manner in which the Duties required of him are to be performed.

Enumerators
to take the
Account in
England on
1st July 1841.

V. And be it enacted, That upon *Thursday* the First Day of *July* in the Year One thousand eight hundred and forty-one every such Enumerator, under the Direction of the Registrar of the District, shall visit every House within his District, except as herein-after provided, and shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of *Wednesday* the Thirtieth Day of *June* in the same Year, and shall also ascertain which of such Persons are Foreigners, and also which were born in the Parish and County in which they shall then be dwelling, and shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his District; and in such Account each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his District, or
such

such Parts thereof as shall be within his District, and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, within his District, which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough, and shall sign and deliver such Account to the Registrar of the District, and also a Form of Declaration to the Effect that the said Account has been truly and faithfully taken by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared and issued by the said Commissioners, with the Forms and Instructions to be issued by them as aforesaid.

VI. And be it enacted, That the Registrar to whom such Accounts shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not, shall cause any Defect or Inaccuracy in the said Accounts to be supplied, so far as may appear possible; and when the Accounts shall have been made as accurate as is possible the Registrar shall deliver them to the Superintendent Registrar of his District.

Registrars to verify the Accounts.

VII. And be it enacted, That the Superintendent Registrar shall examine all the Accounts which shall be so delivered to him, and shall satisfy himself how for the Registrars have duly performed the Duties required of them by this Act, and shall cause any Inaccuracies which he shall discover to be corrected, so far as may be possible, and shall return all the Accounts which shall have been delivered to him to the Registrar General for the Use of the said Commissioners.

Superintendent Registrars to collect Accounts, and return them to Commissioners.

VIII. And be it enacted, That the Commissioners shall cause Abstracts to be made of the said Returns, in such Form and Manner as shall be decided upon by the said Commissioners, with the Approval of One of Her Majesty's Principal Secretaries of State; and such Abstracts shall be printed, and laid before both Houses of Parliament, within Twelve Calendar Months next after the First Day of *September* in the Year One thousand eight hundred and forty-one, or if Parliament be not then sitting within the first Fourteen Days of the Session then next ensuing.

Abstracts of Returns to be printed, and laid before Parliament.

IX. 'And whereas it is expedient that Return be made of
' the Number of Baptisms, Burials, and Marriages entered in
' the several Parish Registers in *England*, and other Particulars
' relative to the Ages of the buried, and to Births, Deaths, and
' Marriages not entered in the Parish Register;' be it enacted, That the said Commissioners shall cause to be printed a sufficient Number of Copies of this Enactment and of the Schedule annexed to this Act, and the Registrar General shall cause One Copy thereof to be delivered by the Registrars of Births and Deaths in *England* to every Rector, Vicar, Curate, or other Officiating Minister of every Parish or Place (Extra-parochial or otherwise) in *England*, including Free Chapels, Donatives, and Peculiars; and every such Officiating Minister to whom such Schedule shall have been delivered, and having Custody of any

For obtaining Returns of the Number of Baptisms, Burials, &c. entered in the Parish Registers in *England*.

any Register which is not copied into the Register of a Mother Church, shall forthwith prepare an Answer or Return to the Questions relative to Baptisms, Burials, and Marriages in the said Schedule set forth, and shall, on or before the First Day of *August* in the Year One thousand eight hundred and forty-one, duly send such Answer or Return to the Bishop within the Limits of whose Diocese the said Parish or Place is situate; and the several Bishops shall, on or before the Fifteenth Day of *August* in the Year One thousand eight hundred and forty-one, send the same to the Archbishops of their respective Provinces, and thereupon the said Archbishops shall, on or before the First Day of *September* in the Year One thousand eight hundred and forty-one, cause the same to be laid before Her Majesty's most Honourable Privy Council, who shall cause an Abstract thereof to be prepared by the said Commissioners, and laid before both Houses of Parliament within Twelve Months after the said First Day of *September*, or if Parliament shall not be then sitting within the first Fourteen Days of the Session next ensuing.

Copies of this Act, &c. to be sent to the Sheriff Deputes, Provosts, &c. in Scotland.

X. And be it enacted, That the Registrar General shall send a printed Copy of this Act, and also a sufficient Number of all Forms and Instructions which the said Commissioners shall have agreed upon, to the Sheriff Depute of every County and Stewartry in *Scotland*, and to the Provost or other Chief Magistrate of every Royal Burgh in *Scotland*, with such Alterations in the said Forms and Instructions as to the said Commissioners shall seem necessary to make them applicable to the Circumstances of each Case.

Sheriff Deputes, &c. in Scotland to appoint Schoolmasters or other Persons to take the Account required in Scotland.

XI. And be it enacted, That the Sheriff Deputes, or their Substitutes, in their respective Counties and Stewartries, and the Provosts or other Chief Magistrates of the Royal Burghs, within the said Burghs, shall nominate and appoint, in Writing under the Hand of their respective Clerks, the Schoolmaster or other fit Person or Persons in each Parish or Part of a Parish or Place within their respective Jurisdictions, to take account of the several Matters required by this Act; and the Sheriffs Officers and Town Officers respectively are required forthwith to deliver the Forms and Instructions, prepared as aforesaid, for their Use, to the Schoolmaster, Person or Persons so appointed; and on the said First Day of *July* in the Year One thousand eight hundred and forty-one the Schoolmaster, Person or Persons so appointed, shall take an Account in Writing of the Name, Sex, Age, and Occupation of every living Person who abode therein on the Night of *Wednesday* the Thirtieth Day of *June* in the same Year, and shall also ascertain which of such Persons were born in the Parish and County or Stewartry in which they shall then be dwelling, and also take an Account of the occupied Houses, and of the Houses then building, and therefore uninhabited, and also all other uninhabited Houses within their District; and in such Account the Enumerators shall distinguish the several Parishes and Places maintaining their own Poor, and shall also distinguish those Parishes and Places,

Places, or Parts of Parishes and Places, which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or Royal Burgh, and shall then exhibit the same to the Minister of the Parish, for his Correction and Approbation, and for any Observations which he may think fit to write thereupon; and the several Schoolmasters and other Persons appointed shall thereafter sign the same with their Names and ordinary Designations.

XII. And be it enacted, That the Sheriff Deputes or their Substitutes, and the Provosts or other Chief Magistrates of the Royal Burghs, within their respective Jurisdictions, shall appoint a Time or Times, which shall not be sooner than the Eighth Day of *July* nor later than the last Day of *July* in the Year One thousand eight hundred and forty-one, for the Schoolmaster, Person or Persons appointed by them as aforesaid, to attend at their Offices, or at such other Places as they shall appoint, with their Returns to be made under this Act; and the said Sheriff Deputes or their Substitutes, and Provosts or other Chief Magistrates, shall cause Notice to be given to them respectively for that Purpose accordingly, and shall then and there receive the Returns to be made as aforesaid, and cause every Schoolmaster or Person appointed to make such Returns as aforesaid to make a Declaration to the Effect that the said Account has been truly and faithfully taken, and that, to the best of his Knowledge, the same is correct, so far as may be known; and such Sheriff Deputes or their Substitutes, and Provosts, or other Chief Magistrates aforesaid, if they see Cause, may examine the said Schoolmaster, Person or Persons, touching any of the Matters contained in such Questions and Answers, especially as to the distinct Population of Parts of Parishes not wholly contained in one and the same County, or partly included in any Parliamentary Burgh (as aforesaid) or Royal Burgh, and shall thereafter direct their respective Clerks to indorse the same (if not previously indorsed) with the Name of the County and District thereof wherein the Parish or Place therein mentioned is situated, or otherwise (in Cases where the said Sheriff Deputes or their Substitutes shall think proper) they shall direct the Schoolmasters and other Persons aforesaid to verify the said Returns and Answers before any Justice of the Peace within the County, and thereafter to transmit the Schedule previously to the said last Day of *July* in any convenient Manner to the said Sheriff Deputes or their Substitutes, who shall direct the same to be indorsed as aforesaid.

Returns to be made to the Sheriff Deputes or their Substitutes in Scotland.

XIII. And be it enacted, That the Sheriff Deputes or their Substitutes, and Provosts or other Chief Magistrates of the Royal Burghs in *Scotland*, shall, on or before the First Day of *September* One thousand eight hundred and forty-one, send with all convenient Speed the several original Accounts so taken in Writing by the Schoolmasters or other Persons appointed as aforesaid in every Parish or Place in *Scotland* (together with a List of the Parishes and Places within their respective Counties, Ridings,

Original Accounts taken by Schoolmasters in Scotland to be transmitted to the Secretary of State.

Abstract thereof
to be made and
laid before Par-
liament.

Masters, &c. of
Gaols, &c. to be
appointed Enu-
merators of the
Inmates there;
of.

Returns of
houseless Poor,
and of Persons
travelling or on
Shipboard.

Table of Al-
lowances to
Enumerators,
&c.

Payments to be
made to Per-
sons employed
in the Execu-
tion of this Act
in England.

Ridings, or Divisions from whence no Returns have been made to them,) to One of Her Majesty's Principal Secretaries of State; and that an Abstract thereof shall be made by the said Commissioners, and shall be laid before both Houses of Parliament within Twelve Months after the said First Day of *September*, or if Parliament shall not be then sitting within the first Fourteen Days of the Session next ensuing.

XIV. And be it enacted, That the Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every public or charitable Institution which shall be determined upon by the said Commissioners, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of the said Commissioners for obtaining the Returns required by this Act, so far as may be practicable with respect to such Inmates.

XV. And be it enacted, That the said Commissioners shall obtain, by such Ways and Means as shall appear to them best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who, during the said Night of *Wednesday* the Thirtieth Day of *June*, were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, Schoolmasters, and other Persons as aforesaid, and shall include such Returns in the Abstracts to be made by them as aforesaid.

XVI. And be it enacted, That the said Commissioners shall prepare a Table of Allowances to be made to the several Enumerators, Registrars, and Superintendent Registrars, Clerks, Schoolmasters, and other Persons employed in the Execution of this Act; and such Table, when approved by the Commissioners of the Treasury, shall be laid before both Houses of Parliament on or before the First Day of *May* One thousand eight hundred and forty-one, or if Parliament be not then sitting within the first Fourteen Days of the Session then next ensuing.

XVII. And be it enacted, That the Justices of the Peace in *England*, at their respective *Michaelmas* Quarter Sessions in the Year One thousand eight hundred and forty-one, or at the Quarter Sessions following, shall allow to the several Enumerators, Registrars, and Superintendent Registrars the Allowances to which they will be entitled according to the said Table, and shall order Payment thereof to be made out of the Poor's Rate of the several Parishes and Places in such Proportion as to them shall seem just, which Payment shall thereafter be allowed in the Accounts of the Overseers of the Poor; and the said Justices at the said Quarter Sessions shall also allow to the Parish Clerk, or any other Person who shall have assisted the Rector, Vicar, Curate, or other Officiating Minister in the Execution of this Act, the Allowances to which he will be entitled according to the said Table, upon his producing a Certificate from the said Officiating Minister to that Effect, and shall

shall order Payment thereof to be made out of the Church Rate or Poor's Rate of the several Parishes or Places respectively, and the said Payment shall thereafter be allowed in the Accounts of the several Churchwardens or Overseers of the Poor: Provided always, that no such Payment shall be made to any Enumerator but upon Production of a Certificate under the Hand of the Registrar that the Duties required of such Enumerator by this Act have been faithfully performed; and the like Certificate shall be required under the Hand of the Superintendent Registrar with respect to the Registrar before any Payment shall be made to the Registrar, and the like Certificate under the Hand of One of the said Commissioners with respect to the Superintendent Registrar before any Payment shall be made to the Superintendent Registrar.

XVIII. And be it enacted, That the Sheriff Deputes or their Substitutes, and Provosts or other Chief Magistrates of the Royal Burghs in *Scotland*, shall allow to the Sheriff Clerk or Town Clerk respectively, for the Return which shall be made and transmitted from every Parish or Place in *Scotland*, the Sum of One Shilling, and to the Sheriff's Officer or Town Officer who shall distribute the Schedule to the Schoolmasters and others, for the like, the Sum of Two Shillings and Sixpence; and the said Sheriff Deputes or their Substitutes, and Provosts or other Chief Magistrates, shall allow to the Schoolmasters and others the Allowances to which they will be entitled according to the said Table, and shall order Payment thereof, and also of the Sums respectively payable to the Sheriff's Clerk or Town Clerk, and to the Sheriff's Officer or Town Officer, to be made by the Collector of the Land Tax of and for the Shire or other Place (as the Case shall require) out of any Money in his Hands, and such Collector shall pay the same accordingly.

Payments to be made to Persons in Scotland.

XIX. And be it enacted, That every Superintendent Registrar, Registrar, and Enumerator, and also every Schoolmaster or other Person so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice or Justices or Magistrate before whom Complaint thereof shall be made.

Penalty for wilful Default.

XX. And the better to enable the said Commissioners, Enumerators, Schoolmasters, and other Persons employed in the Execution of this Act to make the said Inquiries and Returns, be it enacted, That the said Enumerators, Schoolmasters, and other Persons shall be authorized to ask all such Questions as shall be directed in the Instructions to be issued by the said Commissioners, with the Approval of One of Her Majesty's Principal Secretaries of State, which shall be necessary for making the preliminary Inquiries and for obtaining the Returns required by this Act; and every Person refusing to answer,

Penalty for refusing Information or giving false Answers.

answer, or wilfully giving a false Answer to such Questions, or any of them, shall for every such Refusal or wilfully false Answer forfeit a Sum not more than Five Pounds nor less than Forty Shillings, at the Discretion of any Justice of the Peace or Magistrate before whom Complaint thereof shall be made.

Recovery and
Application of
Penalties.

XXI. And be it enacted, That the several Forfeitures and Penalties inflicted by this Act shall, if not immediately paid, be levied by Distress and Sale of the Offender's Goods and Chattels, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace or Magistrate having Jurisdiction where such Offender shall dwell, rendering to the said Offender the Overplus (if any), after the Charge of such Distress and Sale shall be deducted; and in case sufficient Distress shall not be found then it shall be lawful for such Justice or Magistrate to commit such Offender to the Common Gaol, there to remain without Bail or Mainprize for a Term not exceeding Four Weeks, unless the said Forfeiture and Charges shall be sooner paid; and the said Forfeitures, when recovered in *England*, shall be paid, one Half to the Informer, and the other Half to the Treasurers of the several Counties or Boroughs, to be applied in aid of the County or Borough Rates respectively; and any Person shall be deemed a competent Witness for the Execution of any of the Purposes of this Act, notwithstanding his paying or being liable to pay towards any Poor's Rate or County or Borough Rate; and in case the said Forfeitures shall be recovered in *Scotland*, they shall be paid, one Half to the Informer, and the other Half to the Collector of the Land Tax of such County wherein the said Default shall be committed, to be by him applied in aid of the Expenditure incurred by reason of this Act.

Explanation
Clause.

XXII. And be it enacted and declared, for Explanation of the full Intent and Meaning of certain Words used in this Act, That the Words "Parish or Place, Parishes or Places," shall include the various Denominations of Townships, Tithings, Hamlets, Villages, Chapelries, Quarters, Wards, Parcels, Lordships, Manors, or Parts of any Parish, and all other Places, whether denominated Vills, Precincts, or otherwise, and whether connected with any Parish, or deemed to be Extra-parochial.

Act may be
amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHEDULE to which the foregoing Act refers.

PARISH REGISTER.

QUESTIONS to which, by Direction of an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert Title of this Act*], written Answers are to be returned by the Rector, Vicar, Curate, or Officiating Minister in England (having Custody of a Register which is not copied into the Register of a Mother Church), by whom a Return is to be made to the Bishop on or before the 21st June 1841.

- 1st. What was the Number of Baptisms and Burials in your Parish or Chapelry in the several Years from 1831 to 1840, both inclusive; distinguishing Males from Females?
- 2d. What has been the Number of Marriages in your Parish or Chapelry in the several Years from 1831 to 1840, both inclusive?
- 3d. Be pleased to specify, on the Schedule annexed for that Purpose, the Ages of Individuals registered in your Burial Register in the several Years from 1831 to 1840, both inclusive; distinguishing Males from Females.
- 4th. What Number of illegitimate Children may have been born in your Parish or Chapelry during the Year 1840, according to the best Information you possess or can obtain; and distinguishing Male and Female Children?
- 5th. Are there any Matters which you think it necessary to remark, in explanation of your Answers to either of the preceding Questions? Especially, whether any and what annual average Number of Births, Deaths, and Marriages may, in your Opinion, have taken place in your Parish, without being noticed in the Parish Register?

FORM of ANSWERS by the CLERGYMEN in ENGLAND to the FIRST and SECOND QUESTIONS contained in the Schedule to an Act, 4^o VICTORIAE, intituled [*here insert Title of this Act*].

Diocese of		and County, &c.		Deanery, or Jurisdiction, &c.		City, Town, &c.		
QUESTION 1st.						QUESTION 2d.		
YEARS.	BAPTISMS.			BURIALS.			YEARS.	NUMBER of MARRIAGES.
	MALES.	FEMALES	TOTAL.	MALES.	FEMALES.	TOTAL.		
1831 -							1831 -	
1832 -							1832 -	
1833 -							1833 -	
1834 -							1834 -	
1835 -							1835 -	
1836 -							1836 -	
1837 -							1837 -	
1838 -							1838 -	
1839 -							1839 -	
1840 -							1840 -	

I, *A.B.* [Rector, Vicar, Curate, or Officiating Minister] of the Parish, Chapelry, &c. of _____ in the County of _____ do certify, That the above Return contains, to the best of my Knowledge and Belief, a full and true Answer to the several Questions contained in the Schedule to an Act, intituled [*here insert Title of this Act*]. *A. B.*

Witness to the Signature of the Clergyman, *C.D.* One of the Churchwardens [or substantial Householder] of the Parish of _____ this _____ Day of _____

QUESTION 4th.—NUMBER of illegitimate Children born in the Year 1840.—Males.—Females.

QUESTION 5th.—REMARKS in Explanation of the Matters stated in answer to the several Questions.

Estimated annual average Number of unentered

Marriages.	Births.	Deaths.
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ANSWER TO THE THIRD QUESTION.

PARISH of			REGISTERED BURIALS, 1831.								
Column 1.			Column 2.			Column 3.			Column 4.		
Ages.	Males.	Females.	Ages.	Males.	Females.	Ages.	Males.	Females.	Ages.	Males.	Females.
Under One Year.			4			32			67		
						33			68		
						34			69		
			5			35			70		
						36			71		
						37			72		
			6			38			73		
						39			74		
						40			75		
			7			41			76		
						42			77		
						43			78		
			8			44			79		
			9			45			80		
			10			46			81		
1			11			47			82		
			12			48			83		
			13			49			84		
			14			50			85		
			15			51			86		
			16			52			87		
			17			53			88		
			18			54			89		
			19			55			90		
			20			56					
2			21			57					
			22			58					
			23			59					
			24			60					
			25			61					
			26			62					
			27			63					
			28			64					
3			29			65					
			30			66					
			31								

SUMMARY.

Defective Registry of Ages -

In Burial Grounds of Dis-
senter, Jews, and others - }1st Column -
2d Column -
3d Column -
4th Column -

Males. Females. Total.

[Ten similar Pages, numbered consecutively 1831-1840, are to be transmitted to every
Officiating Minister in England.]

CAP. C.

An Act for taking an Account of the Population of *Ireland.* 4457
 [10th August 1840.]

‘ WHEREAS by an Act passed in the Fifty-fifth Year of
 ‘ King George the Third, intituled *An Act to provide for* 55 G. 3. c. 120.
 ‘ *the taking an Account of the Population of Ireland, and for the*
 ‘ *ascertaining the Increase or Diminution thereof*; and by an Act
 ‘ passed in the Third Year of the Reign of King George the
 ‘ Fourth, intituled *An Act to repeal so much of an Act made in* 3 G. 4. c. 5.
 ‘ *the Fifty-fifth Year of the Reign of His late Majesty, for taking*
 ‘ *an Account of the Population of Ireland, as relates to certain*
 ‘ *Expences to be incurred under the said Act*; and by an Act
 ‘ passed in the First Year of the Reign of His late Majesty King
 ‘ William the Fourth, intituled *An Act to extend the Provisions* 1 W. 4. c. 19.
 ‘ *of an Act of the Fifty-fifth Year of the Reign of King George the*
 ‘ *Third, to provide for the taking an Account of the Popu-*
 ‘ *lation of Ireland, and for ascertaining the Increase or Dimi-*
 ‘ *nution thereof*, certain Provisions were made respecting the
 ‘ Manner in which such Account should be taken: And
 ‘ whereas it is expedient that an Account should now be
 ‘ taken of the Population of *Ireland* in a different Manner:’
 Be it therefore enacted by the Queen’s most Excellent Ma-
 jesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Par-
 liament assembled, and by the Authority of the same, That
 the said several Acts shall be and the same are hereby re-
 pealed. Recited Acts
repealed.

II. And be it enacted, That such Officers and Men of the
 Police Force of *Dublin* Metropolis, and of the Constabulary
 Force, as the Lord Lieutenant or other Chief Governor or
 Governors of *Ireland* shall direct, together with such other
 competent Persons as the said Lord Lieutenant or other Chief
 Governor or Governors shall appoint to assist therein, shall,
 upon such Day, or if it be found necessary, such One or more
 consecutive Days, in the Month of *July* in the Year One thou-
 sand eight hundred and forty-one, as the said Lord Lieutenant or
 other Chief Governor or Governors shall fix, severally visit every
 House within such Districts as may be assigned to them respec-
 tively, and take an Account, in Writing, according to such In-
 structions as may be given to them by the Chief or Under Se-
 cretary to the said Lord Lieutenant or other Chief Governor
 or Governors, of the Number of Persons dwelling therein, and
 of the Sex, Age, and Occupation of all such Persons, dis-
 tinguishing the Persons born in the Place or Parish and
 County in which they shall be then dwelling; and shall also
 take an Account of the Number of inhabited Houses and of
 uninhabited Houses, and of Houses then building, within such
 Districts respectively; and shall also distinguish those Parishes
 and By whom the
Account shall
be taken.

and Places, or Parts of Parishes and Places, within each District respectively, which are within the Limits of any City or Borough returning a Member or Members to serve in Parliament; and shall also take an Account of all such further Particulars as by such Instructions they may be directed to inquire into, such Particulars and Instructions having no Reference to the Religion of any Person or Persons.

Forms, &c. to be furnished for their Use.

III. And for the more effectual obtaining of such Accounts, be it enacted, That the said Chief or Under Secretary shall prepare and cause to be printed such Forms and Instructions for the Use of the several Persons who shall be appointed as aforesaid to take or certify the said Accounts as he shall deem necessary.

Power to make the Inquiry.

IV. And be it enacted, That the better to enable such Persons to take the said Accounts they are hereby authorized and empowered to ask all such Questions of all Persons within their respective Districts, respecting themselves or the Persons constituting their respective Families, as shall be directed by their said Instructions, or shall be necessary for the Purpose of taking the said Accounts.

Penalty for refusing to answer, or for giving false Answers.

V. And be it enacted, That every Person refusing to answer or wilfully giving a false Answer to any such Questions, and every Person in any way wilfully obstructing such Persons in the Execution of the Duties required of them under this Act, shall for every such Refusal, false Answer, or wilful Obstruction, on Proof thereof being made before any Two Justices of the Peace of the County in which such Persons shall reside, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalty on Persons employed if guilty of wilful Default or Neglect.

VI. And be it enacted, That every Member of the said Police or Constabulary Forces, or other Person, who shall be so appointed to take the said Accounts or to assist therein, who shall make any wilful Neglect, Default, or Falsification in any Matters relating to the said Accounts, shall for every such Neglect, Default, or Falsification, on Proof thereof being made before any Two Justices of the Peace of the County in which he shall so act, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the said Justices before whom such Complaint shall be so made.

Penalties how to be recovered and applied.

VII. And be it enacted, That the Amount of such several Forfeitures which may be received under this Act shall, if not immediately paid, be levied by Warrant under the Hands and Seals of any Two Justices of the Peace of the County, addressed to One or more Sub-Inspectors of Constabulary of the County, in such Manner as is directed by a certain Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited*

forfeited Recognizances estreated, in Ireland, and for the Application and Distribution thereof; and that the Amount of such Forfeitures, when so paid or levied, shall be forthwith remitted to the Paymaster of Civil Services in *Ireland*, and be by him paid, one Half to the Informer, and the other Half to the Credit of and to be appropriated in the same Manner as the Surplus Fund under the said Act.

VIII. And be it enacted, That the said several Persons so appointed to take the said Accounts, or to assist therein, shall sign and certify the same, and make solemn Affirmation before any Justice of the Peace within the County, to the Effect that the said Account has been truly and faithfully taken by him (or them), and that to the best of his (or their) Knowledge the same is correct, so far as may be known, and shall deliver the same to such Officer of the said Police or Constabulary Forces, or other Person as may be appointed by the said Lord Lieutenant or other Chief Governor or Governors to receive the same, within each County, City, Town, or Place; and such Officer or Person shall examine the same, and cause any Defect or Inaccuracy which may be discovered therein to be supplied or corrected so far as may be possible, and shall certify and transmit the same to the Office of the said Chief or Under Secretary, in such Manner and within such Time as the said Lord Lieutenant or other Chief Governor or Governors shall direct, and the same shall be digested and reduced into Order under the Direction of the said Chief or Under Secretary, by such Persons as the said Lord Lieutenant or other Chief Governor or Governors shall appoint for that Purpose; and that an Abstract thereof shall be laid before both Houses of Parliament within Twelve Months after the Day on which the said Account shall be taken, or (if Parliament be not then sitting) within the first Fourteen Days of the Session next ensuing.

IX. And be it enacted, That every solemn Affirmation or Declaration made or signed under the Authority of this Act shall be of the same Force and Effect as if the Person making such Affirmation or Declaration had taken an Oath in the usual Form; so that if the Person making such Affirmation or Declaration shall be convicted of having therein wilfully and falsely affirmed or declared any Matter or Thing, he shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful Perjury are subject.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

The Persons taking the Accounts to certify and affirm as to their Correctness, and deliver them to the Officer appointed to receive them.

Such Officer to transmit them to the Office of the Chief Secretary.

An Abstract thereof to be laid before Parliament.

Punishment of Persons wilfully making false Affirmation or Declaration.

Act may be amended, &c.

CAP. CI.

An Act to amend several Acts relating to the Temporalities of the Church in *Ireland*.

[10th August 1840.]

3 & 4 W. 4. c. 37. 4 & 5 W. 4. c. 90. 6 & 7 W. 4. c. 99. **WHEREAS** an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland*, which Act was amended by Two Acts passed respectively in the Sessions of Parliament holden in the Fourth and Fifth and Sixth and Seventh Years of the same Reign: And whereas it is expedient to amend the said Acts in certain respects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which the Appointment, Presentation, or Collation of a Clerk to any Benefice or Parish shall have been suspended, pursuant to the said first-recited Act, and a Curate or other Minister shall have been appointed to officiate within such Benefice or Parish, the Consent of such Curate or Officiating Minister shall, for all Purposes for which the Consent of the Rector, Vicar, or Incumbent of such Benefice or Parish may by Law be required, be as valid and effectual, during such Suspension, as if such Curate or Officiating Minister were the Rector, Vicar, or Incumbent of such Benefice or Parish.

The Consent of the Curate or Officiating Minister of any suspended Benefice shall be good for certain Purposes.

The Valuation made for the Assessment of the Tax under 3 & 4 W. 4. c. 37. shall be amended, and Relief given in respect of Arrears.

1 & 2 Vict. c. 109.

II. And whereas the said Ecclesiastical Commissioners for *Ireland* did, pursuant to the Provisions of the herein-before first-recited Act, cause a Valuation to be made of the Revenues of the several Dignities and Benefices liable, under the Provisions of the said Act, to the Payment of the Tax, Rate, or Assessment in such Act mentioned, and did, according to such Valuation, compute and impose such Tax, Rate, or Assessment on the several Dignities and Benefices respectively liable thereto; but, by reason of the Opposition to the Payment of Tithes in *Ireland*, it was in many Cases found impossible to enforce Payment of the same; and the said Commissioners have, in the Exercise of the Discretion in that Behalf vested in them by the said Act, extended the Time for the Payment thereof: And whereas by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in Ireland, and to substitute Rent-charges in lieu thereof*, the Right of all Persons in and to all Tithes and Composition for Tithes theretofore accrued, or at any Time thereafter to accrue due in *Ireland*, wholly ceased and determined, with certain Exceptions in the said Act mentioned; and by the said Act a certain Fund was appropriated to the Relief of the several Persons who,

' if the said Act had not been made, would have been en-
 ' titled to Compositions for Tithes accrued due for certain
 ' Years in the said Act mentioned, and further Provision was
 ' made for the Payment to the Parties theretofore entitled to
 ' certain Tithes and Composition for Tithes vested in Her
 ' Majesty by the said Act of such Sums as should be paid or
 ' recovered by Her Majesty's Attorney General for *Ireland* on
 ' account thereof: And whereas it is reasonable that the Par-
 ' ties whose Right to the Arrears of Tithe or Tithe Com-
 ' position due to them has so ceased and determined should
 ' be relieved from the Payment of the said Tax, in respect
 ' of such Portion of the Revenues of their Benefices or Pro-
 ' motions as by the Operation of the said Act may have been
 ' lost to them, or shall not be hereafter paid to them, and
 ' that for the Purpose of computing the Amount of Tax
 ' justly payable by them the Valuation and Assessment of
 ' their respective Dignities or Benefices heretofore made by
 ' the said Ecclesiastical Commissioners shall be amended ;' be
 it therefore enacted, That it shall and may be lawful for the said
 Ecclesiastical Commissioners, when and as they shall think
 necessary, to alter and amend the Valuation heretofore made
 by them of the Revenues or Emoluments of all or any of such
 Dignities or Benefices, under the Rank of Bishopricks, as were
 or are now liable to the said Tax, Rate, or Assessment, or any
 Arrears thereof, for any of the Years preceding the Year One
 thousand eight hundred and thirty-eight; and in altering
 or amending such Valuation the said Commissioners shall
 have regard to and include all or any such Payments as may
 or shall be made to any Dignitary or Incumbent pursuant to
 the Provisions of the said recited Act of the First and Second
 Years of Her present Majesty's Reign; and they shall assess
 and compute the Tax or Arrears thereof to which every such
 Dignity or Benefice, under the Rank of a Bishoprick, was or
 shall be deemed to be or have been liable for any Year, or Por-
 tion of any Year, preceding the Year One thousand eight
 hundred and thirty-eight, upon such altered or amended
 Valuation, according to the several Rates or Scales specified
 in the Schedule (A.) annexed to the said herein-before first-
 recited Act, in like Manner as if such altered or amended
 Valuation had been the Valuation of each such Dignity or
 Benefice originally made, pursuant to the Provisions of the said
 Act; and all Arrears of the said Tax, so assessed and com-
 puted, if any, now remaining unpaid, shall and may be reco-
 vered by all such Ways and Means as are in and by the
 said Act provided for enforcing Payment of the said Tax,
 Rate, or Assessment: Provided always, that it shall and may
 be lawful for the said Ecclesiastical Commissioners, if they shall
 so think fit, in any Case to direct the Payment of the whole
 or any Portion of the Arrears of the said Tax, Rate, or As-
 sessment, by Instalments, of such Amount, and to be paid at
 such Times, and subject to such Conditions for securing the
 Payment thereof, as they shall deem reasonable, but so never-

theless that the whole shall be paid within Five Years next after the passing of this Act; provided further, that in any Case where it shall appear to the said Commissioners that any Party shall have paid on account of such Tax any Sum with which he would not have been justly chargeable under such amended Valuation, or any Sum greater than, under such amended Valuation, he would have been justly chargeable with, the said Commissioners shall repay and refund to such Party the Sum or Overplus so paid.

In Cases of Proprietary Chapels, Commissioners to have a Discretion as to contributing towards Repairs, &c.

6 & 7 W. 4. c. 31.

III. And be it enacted, That in all Cases in which Application shall be made to the said Ecclesiastical Commissioners, pursuant to the said recited Acts or any of them, to pay or apply any Sum or Sums of Money for or towards the rebuilding, enlarging, or repairing of any Church or Chapel, now or which may be hereafter erected or appropriated and endowed by virtue of an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act to amend an Act of His late Majesty King George the Second, for the Encouragement of building of Chapels of Ease in Ireland*, or for or towards the providing of Things necessary for the Celebration of Divine Service in any such Church or Chapel, or for or towards the Payment of the Salaries for Maintenance of the Clerks or Sextons thereof, the Person or Persons so making such Application shall and he and they is and are hereby required to furnish to the said Ecclesiastical Commissioners a Statement in Writing, in such Form and for such Period, and verified in such Manner, as the said Commissioners shall direct, of the annual or periodical Income belonging to or derived or produced by such Church or Chapel, or received by the Minister or Ministers thereof, whether the same shall arise from any Endowment or Endowments, or from the Sale or Letting of Pews, or the Amount of Collections made in such Church or Chapel, or from any other Source or Sources whatsoever, and how such Income has been theretofore applied, and is in future intended to be applied; and that it shall and may be lawful for the said Commissioners, having regard to the Amount and Application of such Income, to pay or contribute such Sum or Sums as under or by virtue of the said recited Acts, or any of them, they might or ought to have paid or contributed for or towards the providing of Things necessary for the Celebration of Divine Service in such Church or Chapel, as required and authorized by any Rubric or Canon in force in *England or Ireland*, or for or towards Payment of the Salaries for Maintenance of the Clerks or Sextons of such Church or Chapel, or for or towards the rebuilding, enlarging, or repairing of the same, or, at their Discretion, to withhold, in case of any such Church or Chapel, the Payment of any Sum or Sums of Money for or towards the several Objects and Purposes aforesaid, or any of them.

Fund to be provided for

IV. ' And whereas it was by the herein-before recited Act ' passed in the Sixth and Seventh Years of the Reign of His ' late

‘ late Majesty, amongst other things, enacted, that upon any
 ‘ Lands set apart for that Purpose as in the said reciting
 ‘ Act mentioned it should and might be lawful to and for any
 ‘ Person or Persons, Bodies Politic or Corporate, to erect and
 ‘ build a Church or Chapel, or to appropriate as a Church or
 ‘ Chapel any Building already erected on such Land, in which
 ‘ the Liturgy and Rites of the United Church of *England* and
 ‘ *Ireland* as by Law established was to be used and observed, who
 ‘ should first settle and assure Lands, Tenements, or Heredita-
 ‘ ments held in Fee Simple or for Lives with Covenant for
 ‘ perpetual Renewal thereof, or for a Term of Ninety-nine
 ‘ Years, of which Sixty Years at the least should be then
 ‘ unexpired, free from Incumbrances, and of the clear yearly
 ‘ Value of Fifty Pounds at the least, or Money in any of the
 ‘ Government Funds amounting at the least to One thousand
 ‘ two hundred and fifty Pounds, as a Provision or Maintenance
 ‘ for a Minister to officiate in such Church or Chapel, and his
 ‘ Successors for ever, as a perpetual Endowment of such
 ‘ Church or Chapel: And whereas it is expedient that a Fund
 ‘ shall be provided for the Repairs of every such Church or
 ‘ Chapel in like Manner as is by Law required in respect
 ‘ of Churches and Chapels built or appropriated under similar
 ‘ Enactments in *England* ;’ be it therefore enacted, That, in
 addition to the Endowment required to be made for the Sup-
 port or Maintenance of the Minister and his Successors to
 officiate in any Church or Chapel built or appropriated under
 the Provisions of the said recited Act, it shall, from and after
 the passing of this Act, be necessary also to provide a Fund
 for the Repairs of the said Church or Chapel in manner
 following; (namely,) one Sum equal in Amount to Three
 Pounds upon every One hundred Pounds of the original Cost
 of erecting and fitting up or of purchasing such Chapel or
 Building, to be secured upon Lands or Money in the Funds
 as aforesaid, and also a further Sum to be reserved annually
 out of the Pew Rents of the said Church or Chapel, after the
 Rate of Three Pounds for every One hundred Pounds of the
 Sum so to be provided as last aforesaid.

Repairs of
 Church or
 Chapel, in ad-
 dition to that
 set apart for
 Support of
 Minister.

V. ‘ And whereas it was by the herein-before recited Act
 ‘ of the Fourth and Fifth Years of the Reign of His late Ma-
 ‘ jesty, among other things, enacted, that where there shall not
 ‘ be any Vicar or Curate in any Parish which, or the Tithes
 ‘ or any Portions of the Tithes and Glebes whereof, may be
 ‘ appropriated or united to any Archbishoprick, Bishoprick,
 ‘ Deanery, Archdeaconry, Dignity, Prebend, or Canonry, it
 ‘ shall and may be lawful for the Lord Lieutenant of *Ireland*
 ‘ and the Privy Council there, if they shall so think fit, by
 ‘ and with the Consent and Approbation of the Archbishop,
 ‘ Bishop, Dean, Archdeacon, Dignitary, Prebendary, or Canon
 ‘ thereof, or whensoever such Archbishoprick, Bishoprick,
 ‘ Deanery, Archdeaconry, Dignity, Prebend, or Canonry shall
 ‘ be void, to disappropriate, disunite, and divest such Parish,
 ‘ and all Tithes, Portions of Tithes, or Glebes thereunto
 ‘ belonging,

4 & 5 W. 4. c. 90.
 s. 5. recited and
 in part repealed.

‘ belonging, from and out of such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and, if they shall so think fit, to order and direct that such Tithes or Portions of Tithes, or Glebes, so disunited, shall from thenceforward be united and annexed to any neighbouring Rectory, Vicarage, or Perpetual Curacy, as in the said Act after mentioned, or shall be and become for ever a separate Benefice and Parish: And whereas it is expedient to repeal Part of the said recited Enactment, and to make other Provisions in lieu thereof;’ be it therefore enacted, That so much of the said recited Enactment as empowers the said Lord Lieutenant and Council to unite and annex any Parish, Tithes or Portions of Tithes, or Glebes, so disunited, to any neighbouring Rectory, Vicarage, or Perpetual Curacy, shall be and the same is hereby repealed.

Disappropriated Tithes, &c. shall be carried to the general Fund of the Ecclesiastical Commissioners, but charged with a Sum not exceeding 1,000*l.* per Annum for Augmentation of small Livings.

VI. And be it enacted, That in lieu of uniting and annexing any Parish, Tithes or Portions of Tithes, or Glebes, so disunited, to any neighbouring Rectory, Vicarage, or Perpetual Curacy, it shall be lawful for such Lord Lieutenant and Council, if they shall not think fit to erect the same into a separate Benefice or Parish, to order and direct that such Parish, Tithes, or Portions of Tithes, or Glebes, so disunited, shall be transferred to the said Ecclesiastical Commissioners, and the Right and Interest in and to the same, and all Arrears thereof, shall thereupon vest in the said Commissioners, and be by them carried to the general Fund under their Administration, after making thereout such Provision, if needed, for the due Performance of the occasional Duties of such Parish or Place; as the said Commissioners may think fit: Provided nevertheless, that it shall and may be lawful for the said Commissioners, from and out of the Monies hereafter accruing to the said Fund by the Means aforesaid, and in preference to any other Purposes to which the said Fund may be by Law now primarily applicable, to appropriate such Sum or Sums as they may think fit, not exceeding One thousand Pounds in any One Year, to the like Purposes and Uses as the Monies bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, formerly Archbishops of *Armagh*, and now vested in the said Commissioners, are by Law applicable.

4 & 5 W. 4. c. 90.
s. 7. recited
and repealed.

VII. ‘ And whereas the said last-recited Act contains a further Enactment, which it is expedient, with regard to the Provisions herein-before made, shall also be repealed;’ be it therefore enacted, That the Enactment of the said recited Act of the Third and Fourth Years of His late Majesty’s Reign hereinafter following shall be and the same is hereby repealed; (that is to say,) so much of the said recited Act as enacts, that in any Case in which the said Lord Lieutenant and Council shall have Power and Authority under the Provisions of the said recited Act, or under the Provisions of the said Act of the Fourth and Fifth Years of the same Reign, and shall think fit, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portion of Tithes, and Glebes or Part or Parts thereof,

thereof, from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, it shall and may be lawful for such Lord Lieutenant and Council, if they shall so think fit, to unite and annex to any adjoining or neighbouring Rectory, Vicarage, or Perpetual Curacy as aforesaid, such Rectory, Vicarage, Tithes or Glebes, or any Part or Parts or Portions thereof respectively, so disappropriated, dis-united, or divested as aforesaid, together with the actual Cure of Souls within such Rectory or Vicarage, or such Part or Parts thereof so united or annexed respectively, or within such Place or Places respectively, whereof the Tithes or Glebes shall be so united and annexed.

VIII. ' And whereas it was by the herein-before recited Act 1 & 2 Vict.
' of the First and Second Years of the Reign of Her present c. 109. s. 15.
' Majesty, among other things, provided, that in every Case in
' which no Applotment of a Composition for Tithes had been
' hitherto made, pursuant to the Provisions of the several Acts
' for establishing such Compositions therein referred to, it
' should be lawful for any Person or Persons in any Parish who
' would have been, in case such Act had not been made, in-
' dividually or collectively liable to the Payment of more than
' One Fourth Part of the Amount of the whole Composition
' established in and for such Parish, to apply for the making of
' such Applotment to the Lord Lieutenant or the Chief Go-
' vernor or Governors of *Ireland* in Council, and that such Ap-
' plication should be made by Memorial to be lodged with the
' Clerk of the Council before the First Day of *October* then next,
' and notified by public Advertisement, and otherwise, as in
' the said Act mentioned: And whereas it is expedient to make
' further Provision for the Applotment of such Compositions in
' Parishes in which no such Applotment has been made, under
' the said Acts or any of them;' be it enacted, That in any Case
in which no Applotment of the said Composition for Tithes
shall have been hitherto made, it shall be lawful for any Person
or Persons in any Parish who would have been, in case the said
Act had not been made, entitled to the Receipt of the Com-
position established in and for such Parish or any Portion
thereof, or for any Person or Persons in any Parish who shall
be individually or collectively liable to the Payment of more
than One Fourth of the whole Amount of the Rent-charges
charged under the Provisions of the said recited Act upon the
Lands theretofore subject to the Payment of the said Composi-
tions for Tithes in such Parish, to apply to the said Lord
Lieutenant in Council for the making of such Applotment;
and that such Application shall be made by Memorial to be
lodged, at any Time before the First Day of *October* now next,
with the Clerk of the said Council; and Notice of every such
Memorial, shall be posted at the Door of every Church and
Chapel within such Parish, and at the usual Place or Places
of posting Grand Jury Notices in the Barony or Half Barony,
Baronies or Half Baronies, in which the Parish to which such
Memorial may refer is situated; and shall be once published in
some

In any Case
where no Ap-
plotment of
Tithe Composi-
tion has been
made, any Per-
son who would
have been en-
titled to the
Receipt or
liable to the
Payment of
such Composi-
tion, may apply
to have such
Applotment
made.

some Newspaper circulating within such Parish; such Posting and Publication to be made by the Memorialist within Ten Days after such Memorial shall be so lodged as aforesaid.

Persons liable to Tithe or Tithe Rent-charge may oppose the Application for an Applotment by a counter Memorial.

Proceedings thereon respectively.

IX. And be it enacted, That it shall be lawful for any Person or Persons, liable to the Payment of any Rent-charge in such Parish under the said recited Act, to apply by counter Memorial to the Lord Lieutenant in Council to be heard in opposition to such Memorial, such counter Memorial to be lodged with the Clerk of the Council within Twenty Days after such Notice shall have been published as aforesaid, or within such further Time as such Lord Lieutenant in Council shall order; and it shall be lawful for the Lord Lieutenant in Council to examine into the Merits of any such Memorial or counter Memorial, and for that Purpose to receive such Evidence on Oath and otherwise as to him shall seem meet, and to make such Order, whether for dismissing such Memorial, or for directing an Applotment to be made, or respecting the Manner in which such Applotment shall be made, or respecting the Omission therefrom of any Lands which may appear to be Tithe-free, or otherwise, as to the said Lord Lieutenant in Council shall seem meet; and it shall be lawful for the said Lord Lieutenant and Council, for the better informing them upon any Matter relating to the Subject of the Prayer of such Memorial or counter Memorial, to direct any such Matter to be inquired into before the Judge or Judges of Assize for the County in which such Parish shall be situate, with or without a Jury, as the Lord Lieutenant and Council shall order, and such Judge or Judges shall so inquire accordingly, and shall receive Evidence on such Inquiry, as in Cases of Trials by Nisi Prius, and shall certify the Result of such Inquiry to the Lord Lieutenant in Council.

Lord Lieutenant and Council empowered, at their Discretion, to cause such Applotment to be made.

X. And be it enacted, That in every such Case it shall and may be lawful for the said Lord Lieutenant in Council, if he shall so think fit, to appoint One or more skilful Person or Persons to make such Applotment, who shall therein (subject to any Order or Orders of the Lord Lieutenant in Council made under this Act) have and exercise the like Powers, Privileges, and Authorities, and observe, as far as may be, the like Regulations, as are given and directed to be observed by the said Acts for establishing Compositions of Tithes; and the said Lord Lieutenant shall cause to be paid to the Person or Persons employed for the Purposes aforesaid such Remuneration as he shall think reasonable, and the Expences thereof shall be repaid by Grand Jury Presentment on or off the Parish in which such Expences shall have been incurred; and a Certificate of the Amount so expended in respect of each such Parish shall be transmitted, under the Hand of the Paymaster of Civil Services in *Ireland*, to the Treasurer of the County in which such Parish may be situate, and such Treasurer shall insert the Sum specified in such Certificate in his Warrant for the Collection of the Money to be raised and levied off such Parish by Presentment of the Grand Jury at the Assizes next succeeding, and such Sum shall be applotted (if need be by a separate Applotment) and raised

The Expence to be defrayed by Grand Jury Presentment.

raised and levied off the Lands liable to Rent-charge in such Parish, in like Manner, and by the like Ways and Means, as if such Sum had been presented by the said Grand Jury at such Assizes to be levied off such Lands, and shall be paid over by the said Treasurer, when and as by him received, to such Bank or Person, and in such Manner, as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

XI. And be it enacted, That every such Applotment made under the Authority of this Act shall be subject to such Appeal, Alteration, and Amendment, and shall be as good, valid, and effectual as any Applotment made under the Authority of the said Acts for establishing Compositions for Tithes in *Ireland*, or any of them: Provided nevertheless, that it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors in Council to fix and declare the Time from which each such Applotment to be made under the Authority of this Act shall take effect, or to which the same shall relate, and to make such Orders and Regulations in each such Case, and from Time to Time to rescind or vary the same, as to him and them shall seem just and necessary; and all such Orders and Regulations shall be good, valid, and effectual as if the same had been inserted in this Act; and the Enactments herein made in respect of the Applotments to be made under the Authority of this Act shall be construed together with the said recited Act of the First and Second Years of Her Majesty's Reign, and as Part thereof, to all Intents and Purposes.

Applotment to be subject to Appeal, &c.

Lord Lieutenant and Council shall declare from what Time such new Applotments shall take effect.

XII. And be it enacted, That in the Construction of this Act the Words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*.

Construction of Act.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

CAP. CII.

An Act to amend the Law relating to Court Houses in *Ireland*.
[10th August 1840.]

' WHEREAS there are in Parts of *Ireland* Court Houses so situated as to be capable of being used with Advantage for the Purposes of the County adjoining to that in which they have been erected, and others may be so built hereafter; and ' it is expedient to permit such Use thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council, to order or direct that the Court of Quarter Sessions, Civil Bill Court,

Lord Lieutenant, with Advice of Privy Council, may direct that certain Courts may

Court

transact Business in a Court House of adjoining County.

Court for Registration of Votes, or other Court to be holden before any Justices of the Peace or Assistant Barrister for any County in *Ireland*, shall hold its Sittings, and do and transact all the Business, Civil and Criminal, of such Court, in any Court House situate in a County adjoining to the County for which such Court may be so holden, and not distant more than One Mile from the common Boundary thereof; and such Court shall thereupon have Power to use such Court House for all or any of the Purposes aforesaid, and to cause to come and call before it therein all Sheriffs, Gaolers, Clerks of the Crown and Peace, and other Officers and Ministers of Justice of or belonging to the County for which such Court may be holden; and all Jurors, Witnesses, Parties, and Persons shall be bound to attend such Court at such Court House; and any Prisoners committed or remanded by such Court, or attending such Court for Trial, may be lawfully confined, under the Order of such Court, or for the Space of Twenty-four Hours previously to its Sitting, in any Prison or Place of Confinement at a convenient Distance from such Court House in the County in which such Court House is situate, although such Court shall be then held or such Sitting as aforesaid shall be had for the adjoining County; and that all Matters and Things whatsoever done by such Court in such Court House under the Authority of this Act shall be valid and effectual in the Law to all Intents and Purposes whatsoever as if the same were done and transacted in some Court House situate within the County to which the same may relate; and all Sheriffs and other Persons having the Custody or Charge of any such Court House shall, at all Times when required, permit the Use thereof for the Purposes of this Act.

Lord Lieutenant may direct that an annual or half-yearly Sum shall be paid for the Use of such Court House by the County, &c. for which it shall be used.

II. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in and by any Order made under the Power herein-before given, or by any supplementary Order, to direct that such annual or half-yearly Sum as to him or them shall seem fit shall be paid, in consideration of the Use of any such Court House as aforesaid, by the County, Riding, or Division, County of a City, County of a Town, or Town and Liberties, for which the Use thereof shall be permitted under this Act; and the Grand Jury of such County shall and they are hereby required to present the same, to be levied off such County, and to be paid to or to the Credit of the Treasurer of the County in which such Court House shall be situate in aid of the Presentments made or to be made by the Grand Jury of that County for the Support of such Court House, and the Payment of the Persons employed to take charge thereof; and every such Presentment shall be made without any previous Application to Presentment Sessions in the County in which the Court House shall not be situate.

Upon the Application of several Grand Juries, Lord

III. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon Application from the Grand Juries of any Two or more Counties

Counties in *Ireland*, to order and direct that such Counties may and shall unite in and for the building and providing of One common Sessions Court House for such Two or more Counties at any Place not distant more than One Mile from the common Boundary thereof, and to fix in what Proportions the Expences of such Building, and of the Repairs and future Maintenance thereof, and of the Salaries of the Keepers thereof, shall be borne by each such County, and the same shall be presented for, erected, and maintained accordingly, as by Law is now or hereafter may be provided for the building and Maintenance of Court Houses in *Ireland*; and every such Court House, when so erected, shall be a legal Court House of and for each of such Counties, and for such Riding or Division of any such County, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council, may direct, for all Purposes for which any Court may be holden for such County, Riding, or Division.

Lieutenant may direct that they shall unite for the building of a common Court House.

IV. And be it enacted, That whenever and during the Time that any Court of Quarter Sessions Court, or other Court as aforesaid, for any County, shall be held in any Court House under the Authority of this Act, such Court House shall be construed and taken for all Purposes connected with such Court, or with any Business or Proceeding therein, to be situate within the County for which, or for any Riding or Division of which, such Court shall be held for the Time being, and to be Part and Parcel thereof.

Such Court House shall be deemed to be situate in the County, &c. for which the Court shall be held.

V. And be it enacted, That the Removal of any Prisoner to or from any such Court House as aforesaid, by the Sheriff, Gaoler, or other Officer having charge of such Prisoner, out of the County to which such Sheriff, Gaoler, or other Officer may belong, shall not be deemed in Law to be an Escape of such Prisoner.

Removal of Prisoners not to be deemed an Escape.

VI. And be it enacted, That in the Construction of this Act the Word "County" shall be construed to include in its Meaning County of a City, County of a Town, Town and Liberties, and Riding or Division of a County; and that whenever in this Act Words are used importing the Singular Number or the Masculine Gender only, it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males; unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Interpretation Clause.

VII. And be it enacted, That this Act shall extend only to *Ireland*.

Limit of Act.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. CIII.

565/10.24
An Act to amend an Act of the last Session for making further Provisions relating to the Police in the District of *Dublin* Metropolis.

[10th August 1840.]

2 & 3 Vict. c. 78. **W**HEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to make further Provision relating to the Police in the District of Dublin Metropolis*, Provision was made, "that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time, by the Advice of Her Majesty's Privy Council for *Ireland*, to order that any Parish, or Place or Places, in the County of *Dublin*, or County of the City of *Dublin*, of which any Part should be on the South Side of that Portion of the River *Anna Liffey* which is Eastward of Her Majesty's Castle of *Dublin*, or on the South Side of the Bay or Harbour of *Dublin*, and should be within Eight Miles of Her Majesty's said Castle of *Dublin*, and within Four Miles of the said River or Bay or Harbour, should, after a certain Day to be named in such Order, be added to and form Part of the said Metropolitan Police District, and thereupon, and by force of such Order, such Parish, or Place or Places, should be and become, to all Intents and Purposes, Part of such Police District, as if the same had been originally included in such District by virtue of the said Act:" And whereas the said Lord Lieutenant, by and with the Advice of the said Privy Council, did by an Order in Council order that certain Parishes and Places within the Limits aforesaid should be added to and form Part of the said Metropolitan District: And whereas by virtue of the several Acts in force relating to the said Police District of *Dublin* Metropolis, the Lord Lieutenant or other Chief Governor of *Ireland* for the Time being is empowered to divide the said Police District into Divisions, and to establish Public Offices therein, One in each Division: And whereas it is expedient, in consequence of the Extension of the Police District of *Dublin* Metropolis as aforesaid, and in case the same should hereafter be further extended, to authorize the Establishment of more than One Public Office in some of the Divisions of the said District: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That notwithstanding any thing contained in the said recited Acts, or any of them, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to establish,

Lord Lieutenant empowered to establish Public Offices for the Administration of

establish, in any One or more of the Divisions of the said District, such Number of Public Offices as shall to the said Lord Lieutenant or other Chief Governor or Governors, by and with the Advice and Consent aforesaid, appear necessary, and from Time to Time to alter the Number of such Public Offices, and to discontinue or alter the Situation of the same, as Occasion may require; and it shall be lawful to and for such Lord Lieutenant or other Chief Governor or Governors to direct the Attendance at such additional Office or Offices of the Justices of the Division, or any of them, or of any of the other Justices appointed under the said Acts, and to make from Time to Time such Regulations in respect of the Attendance thereof of any of such Justices, and of any other Officers belonging to any of the Police Offices established under the said Acts, and for conducting the Business of the said additional Office or Offices, as may be deemed expedient; and all and every Divisional Justices and Justice attending at every new or additional Public Office to be established in any Division under the Authority of this Act shall have and exercise all Rights, Powers, Privileges, Jurisdictions, and Authorities at such Public Office as last aforesaid, and be subject to the like Direction and Control, as he or they could or might by Law exercise or may be subject to at any Divisional Office now established or to be established within the said District: Provided always, that nothing herein contained shall be deemed or taken to authorize the increasing the Number of Divisional Justices within the said Police District of *Dublin* Metropolis beyond the Number now allowed by Law for the said District.

Justice within the Police District, not increasing the Number of Divisional Justices.

II. 'And whereas by several Acts Power is given to a Justice or Justices of the Peace of or for the County where certain Cases shall arise or Offences be committed, to hear and determine, in a summary Way, such Cases, and to make Orders and award Penalties and otherwise to adjudicate therein: And whereas the Police District of *Dublin* Metropolis extends over Part of the County of *Dublin*, and it is expedient that the Magistrates of the said Police District should be empowered to exercise such summary Jurisdiction as aforesaid, in all Cases arising within such Parts of the County of *Dublin* as are within the said District of *Dublin* Metropolis: be it therefore enacted, That the several Divisional Justices of the said Police District of *Dublin* Metropolis shall be deemed to be Justices of the Peace of and for the County of *Dublin*, for the Purpose of hearing and determining, in a summary Way, all Cases arising within such Part or Parts of the County of *Dublin* as is or are or shall be within the present or any future Limits assigned or to be assigned for the said Police District, pursuant to any Act of Parliament made or to be made for that Purpose; and shall from and after the passing of this Act be competent to make Orders and otherwise adjudicate in all such Cases as aforesaid as fully and effectually and in like Manner as if they and each of them

Divisional Justices to exercise in the Parts of the County of *Dublin* included within the Police District the Jurisdiction of County Justices in certain Cases.

derived their and his Authority from a Commission of the Peace for the said County.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. CIV.

An Act to transfer to the Commissioners of Her Majesty's Woods and Works, and other Commissioners, the several Powers now vested in the Commissioners for repairing the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and to amend the *London and Holyhead Roads Acts* so far as relates to the *Dunstable Road*. [10th August 1840.]

55 G. S. c. 152. ' WHEREAS an Act was passed in the Fifty-fifth Year of
' the Reign of His late Majesty King *George* the Third,
' intituled *An Act for granting to His Majesty the Sum of Twenty*
' *thousand Pounds, to be issued and applied towards repairing*
' *Roads between London and Holyhead by Chester, and between*
' *London and Bangor by Shrewsbury*: And whereas an Act was
59 G. S. c. 30. ' passed in the Fifty-ninth Year of the Reign of His late Ma-
' jesty King *George* the Third, intituled *An Act for vesting in*
' *Commissioners the Line of Road from Shrewsbury in the County*
' *of Salop to Bangor Ferry in the County of Carnarvon*; and
' *for discharging the Trustees under several Acts of the Seventeenth,*
' *Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-*
' *seventh, and Fiftieth Years of His present Majesty from the*
' *future Repair and Maintenance thereof*; and for altering and
' *repealing so much of the said Acts as affects the said Line of*
' *Road*, by which said Act certain Commissioners were ap-
' pointed for amending, improving, and keeping in repair the
' said Line of Road from *Shrewsbury* to *Bangor Ferry*, and for
' otherwise carrying the Powers of the said Act into execution:
' And whereas an Act was passed in the said Fifty-ninth Year
59 G. S. c. 48. ' of the Reign of His said late Majesty King *George* the Third,
' intituled *An Act to amend an Act passed in the Fifty-fifth Year*
' *of His present Majesty, for granting to His Majesty the Sum of*
' *Twenty thousand Pounds towards repairing Roads between Lon-*
' *don and Holyhead by Chester, and between London and Bangor*
' *by Shrewsbury*; and for giving additional Powers to the Com-
' missioners therein named to build a Bridge over the Menai
' Straits, and to make a new Road from *Bangor Ferry* to Holy-
' head in the County of *Anglesea*: And whereas the new Road
' from *Bangor Ferry* to *Holyhead*, authorized and directed to be
' made by the last-mentioned Act, was, soon after the passing
' the said Act, made and completed, and, in pursuance of the
' Directions therein contained, the said Road was, on its
' being

' being completed, transferred to and given up by the Com-
 ' missioners therein named to the Commissioners appointed by
 ' the said first-recited Act of the Fifty-ninth Year of the Reign
 ' of His late Majesty King *George* the Third, and the same is
 ' now vested in the said last-mentioned Commissioners, and is
 ' repaired and maintained by them, under the Powers and
 ' Provisions of the said last-mentioned Act, which are made
 ' applicable thereto by the said last before-recited Act, and
 ' under the Powers and Provisions of the Act herein-after
 ' recited: And whereas an Act was passed in the Fifth and
 ' Sixth Years of the Reign of His late Majesty King *William*
 ' the Fourth, intituled *An Act to amend and alter an Act of the* 5 & 6 W. 4. c. 21.
 ' *Fifty-ninth Year of His late Majesty King George the Third,*
 ' *for vesting in Commissioners the Line of Road from Shrewsbury*
 ' *in the County of Salop to Bangor Ferry in the County of*
 ' *Carnarvon; and for discharging the Trustees under several Acts*
 ' *of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-*
 ' *second, Forty-seventh, and Fiftieth Years of His then present*
 ' *Majesty from the future Repair and Maintenance thereof; and*
 ' *for repealing so much of the said Acts as affects the said Line*
 ' *of Road:* And whereas large Sums of Money have been from
 ' Time to Time granted by Parliament for the new making
 ' and improving of that Part of the Road from *Shrewsbury* to
 ' *Holyhead* which lies between *Gobowen* in the County of *Salop*
 ' and *Holyhead*, and the same have been applied and expended,
 ' under the Superintendence of the Commissioners appointed in
 ' and by the said recited Act of the Fifty-fifth Year of the
 ' Reign of His late Majesty King *George* the Third, in car-
 ' rying such Improvements into effect: And whereas it is of
 ' great public Importance, in consequence of the large Sums of
 ' Money which have been so applied and expended in the new
 ' making and improving the said Road as aforesaid, that such
 ' Road should be preserved, maintained, and kept in a proper
 ' and efficient State of Repair; and in order the more effectually
 ' to preserve and keep the same in such Repair and Condition it
 ' is expedient that the same should be placed under the Super-
 ' intendence of one of the Public Departments of the State,
 ' and for that Purpose that the several Powers and Autho-
 ' rities given by the said several Acts herein- before recited
 ' to the Commissioners appointed under or by virtue of the
 ' said first-recited Act of the Fifty-ninth Year of the Reign of
 ' His late Majesty King *George* the Third should be transferred
 ' to the Commissioners of Her Majesty's Woods, Forests, Land
 ' Revenues, Works, and Buildings, and such other Person or
 ' Persons as are herein-after mentioned: Be it therefore enacted
 by the Queen's most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by
 the Authority of the same, That from and after the First Day
 of *September* One thousand eight hundred and forty the Com-
 missioners appointed in and by the said first-recited Act of
 the Fifty-ninth Year of the Reign of His late Majesty King

Powers of Com-
 missioners
 under
 59 G. 3. c. 30.
 to cease.

George the Third shall be discharged from and shall cease to carry into execution all or any of the Trusts and Powers vested in them by the said several herein-before recited Acts or any of them.

Appointment of
new Commis-
sioners.

II. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Right Honourable Sir *Henry Parnell* Baronet, the Honourable *Edward Mostyn Lloyd Mostyn*, the Honourable *Thomas Kenyon*, and *Richard Watkin Price* of *Rhiwlas* in the County of *Merioneth*, Esquire, shall be Commissioners for carrying into execution the Powers and Provisions vested in the said Commissioners appointed in and by the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third by the several herein-before recited Acts, or any of them, and the several Powers and Provisions of this Act.

Appointment of
new Commis-
sioners in Cases
of Death, Re-
signation, &c.

III. And be it enacted, That in case of any Vacancy by Death or Resignation of any or either of them the said Sir *Henry Parnell*, *Edward Mostyn Lloyd Mostyn*, *Thomas Kenyon*, or *Richard Watkin Price*, or of any future Commissioner or Commissioners to be appointed under the Authority of this Act, it shall and may be lawful for the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, and they are hereby empowered, from Time to Time, by Writing under their Hands, to nominate and appoint any Person or Persons they may think proper to supply such Vacancy or Vacancies; and every Person so nominated and appointed shall have and possess and is hereby declared to be invested with the same and the like Powers and Authorities for the Execution of this Act as the Commissioner in whose Room such Person shall be nominated and appointed.

Powers of
former Acts
vested in Com-
missioners.

IV. And be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized, empowered, and required, to exercise and carry into effect all the Powers, Authorities, Clauses, Enactments, and Provisions contained in the said several herein-before recited Acts, either expressly, or by reference to any other Act or Acts, as fully, amply, and effectually as the same could have been carried into effect and exercised by the Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty as aforesaid, or as if the Commissioners for the Execution of this Act had been named in the last-mentioned Act instead of the Commissioners thereby appointed.

Meetings of
Commissioners.

V. And be it enacted, That the Powers and Provisions of this Act shall be executed by the Commissioners for the Execution of this Act at Meetings to be held as herein-after mentioned, and that at any such Meeting it shall be sufficient if Two Commissioners shall be present, but no Act shall be done at any Meeting unless the Commissioners of Her

Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or One of them, shall be present; and for the Purpose of executing the Powers and Provisions of this Act the said Commissioners for the Execution of this Act shall and they are hereby required to meet from Time to Time at such Times and Places as shall be expedient.

VI. And be it enacted, That the several Officers appointed by the Commissioners named in the said first-recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third shall continue to act for the Purposes of this Act until they shall be removed by the Commissioners for the Execution of this Act; and such several Officers shall account to the said Commissioners for the Execution of this Act in the same Manner as they would have done if they had been appointed by such last-mentioned Commissioners.

Officers under former Acts to continue until removed.

VII. And be it enacted, That when and so soon as the Accounts to be from Time to Time rendered by such several last-mentioned Officers, or any of them, under the Provisions of the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, shall be received by the Commissioners for the Execution of this Act, such Accounts, with the proper Vouchers for all the Monies therein mentioned to have been received, paid, and disbursed, shall be transmitted by the said last-mentioned Commissioners to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and such last-mentioned Commissioners are hereby authorized and required to cause every such Account to be examined, tried, and audited by the Commissioners for auditing the Public Accounts, pursuant to the Provisions of an Act passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better examining and auditing the Public Accounts of the Kingdom*: Provided always, that it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to authorize and empower the Commissioners for the Execution of this Act to retain from Time to Time such Sum or Sums of Money as shall or may be received by them or to their Use on account of Tolls, and which may from Time to Time be necessary to pay the Wages due to the Inspectors and Labourers employed on the said Road, and also to pay for any Work or Materials which from Time to Time shall or may be done or furnished by Contract for the Repair of the said Road.

Accounts of former Officers to be examined by Commissioners of Woods, &c.

25 G. 3. c. 52.

VIII. And be it enacted, That the several Roads and Bridges, and all Turnpikes, Tolls, Toll Houses, Gates, Weighing Machines, and all Lands, Houses, Quarries, and Gravel Pits, or other Hereditaments, Properties, Rights, and Privileges whatsoever, now vested in the Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third under or by virtue of the

Roads, &c. vested in Commissioners under this Act.

the said several herein-before recited Acts, or any of them, shall, from and after the said First Day of *September* One thousand eight hundred and forty, be and become and shall remain vested in the Commissioners for the Time being for the Execution of this Act; and all Materials, Tools, Barrows, Furniture, and other Things which now belong to the Commissioners for the Execution of the said several herein-before recited Acts shall from henceforth belong to and shall be and become the Property of the Commissioners for the Execution of this Act.

Securities for
Loans borrow-
ed under former
Acts not to be
prejudiced by
this Act; and
Leases and
Contracts to
continue valid.

IX. And be it enacted, That all Loans or Sums of Money which have been borrowed or raised, or which may be now due and owing, by the Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third as aforesaid, under or by virtue of the Provisions of the herein-before recited Acts, or any of them, and all Interest due and to grow due thereon respectively, shall be paid and discharged by the Commissioners for the Execution of this Act, as fully and effectually to all Intents and Purposes as if such Monies had become due and owing from the said last-mentioned Commissioners; and all and every Person and Persons who may owe or be subject or liable to the Payment of any Sum or Sums of Money to the said Commissioners appointed under or by virtue of the said first-recited Act of the Fifty-ninth Year of the Reign of His said late Majesty as aforesaid, or to any Person or Persons for the Benefit of the said Commissioners, shall be liable to the Payment of all such Sum and Sums of Money to the Commissioners for the Execution of this Act; and all Leases, Deeds, Bonds, Covenants, Agreements, Contracts, and Securities entered into by any Person or Persons to or with the said Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His said late Majesty as aforesaid, or to or with their Clerk, Treasurer, or other Officer, under or by virtue of the Powers or Directions of either of the said herein-before recited Acts, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity, until the same are fully satisfied and performed, on account and for the Benefit of the Commissioners for the Execution of this Act, and shall be vested in such last-mentioned Commissioners, and shall and may be enforced and recovered upon in any Action or Suit to be brought and carried on in the Name of the Clerk for the Time being to the last-mentioned Commissioners; and all Leases, Deeds, Assignments, Securities, Contracts, or Agreements duly made or entered into by the said Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His said late Majesty as aforesaid, to or with any Person or Persons, shall remain in full Force and Effect, and be observed and kept by the said Commissioners for the Execution of this Act, according to the Terms and Stipulations thereof respectively,

tively, and shall and may be enforced and recovered upon in any Action or Suit to be brought against the Clerk for the Time being to the said last-mentioned Commissioners.

X. And be it enacted, That all Monies, Bills, or Drafts now in the Hands of the Commissioners acting in execution of the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and the several other Acts herein-before recited, or of their Treasurer or Clerk, or in any Bank placed to the Credit of any Account or Accounts under the Control of the said Commissioners or of their Treasurer or Clerk, shall, immediately after the said First Day of *September* One thousand eight hundred and forty, be paid into the Bank of *England* to the Account of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, intituled "The Woods and Forests Fund," or to such other Account with the said Bank of *England* as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall direct; and all Sums of Money, Bills, and Drafts which shall hereafter be received by the Commissioners for the Execution of this Act, their Agents or Receivers, on account of Tolls, Rates, and Assessments, or from any other Source whatsoever, under or by virtue of the herein-before recited Acts or this Act, or any of them, shall be paid by them into the Bank of *England* as soon as conveniently may be after the same shall have been received; and all Sums of Money, Bills, and Drafts which shall be received by the said Commissioners on any of the Accounts aforesaid at their Office in *London* shall be paid by them into the Bank of *England* within One Day after the same shall have become so received, or within One Day after any such Bill or Draft shall have been accepted, completed, and perfected, if the same be not accepted, completed, and perfected at the Time it shall be received; and all Monies, Bills, and Drafts which shall be received by the Bank of *England* in pursuance of the Provisions of this Act shall be placed to the said Account intituled "The Woods and Forests Fund," or to such other Account as aforesaid; and the Drafts or Orders of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, shall be sufficient Authority to the said Bank of *England* to pay, apply, and dispose of the said Monies, Bills, and Drafts to the Person or Persons or in the Manner in such Drafts or Orders respectively mentioned or specified; and after Payment of such Monies, Bills, and Drafts in manner herein-before directed the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall be alone answerable and accountable for the future Application of such Monies, Bills, and Drafts respectively.

XI. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall cause a separate and distinct Ac-

All Monies now in the Hands of the Commissioners under 59 G. 3. c. 30., or hereafter to be received by the Commissioners under this Act, to be paid into the Bank of *England* to the Account of the Commissioners of Woods, &c.

A separate Account to be kept of Monies received and paid under this Act.

count to be kept in the Books of their Office of the Monies received under the Powers and Provisions of this Act, and of the Payment and Application of the same.

XII. 'And whereas an Act was passed in the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for transferring to the Commissioners of Her Majesty's Woods and Forests the several Powers now vested in the Holyhead Road Commissioners; and for discharging the last-mentioned Commissioners from the future Repairs and Maintenance of the Roads, Harbours, and Bridges now under their Care and Management*: And whereas an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for further improving the Road between London and Holyhead, by Coventry, Birmingham, and Shrewsbury*, the Commissioners for the Issue of Exchequer Bills acting in execution of the several Acts therein recited were authorized, on Application being made to them by the said Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, to advance to them the said last-mentioned Commissioners, or as they might direct or appoint, any Sum or Sums of Money in Exchequer Bills, not exceeding in the whole the Sum of Sixty four thousand five hundred Pounds, upon the Terms and Conditions therein-after mentioned; and the said last-mentioned Commissioners were by the said Act directed to apply any Sum not exceeding the Sum of Three thousand Pounds (Part of the Sum so to be advanced to them) in the making and completing the Alterations and Improvements mentioned in the Schedule marked (A.) to the now-reciting Act in the Road within the Limits and District of the *Dunstable* Trust, and any Sum not exceeding the Sum of Thirty thousand Pounds in the making and completing the Alterations and Improvements mentioned in the said Schedule in the Road within the Limits and District of the *Stratford and Dunchurch* Trust, and in paying for other Improvements and Alterations within the said Trust; and in case it should be found that either of the Sums therein-before authorized to be appropriated by the said Commissioners acting in the Execution of the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, in making and completing the Alterations and Improvements in the Roads therein mentioned, should be more than what was required for the Purposes for which the same should have been advanced, the Surplus thereof should be applied by the said last-mentioned Commissioners in making such other Improvements as they should think proper on any Part of the said Road from *London* to *Holyhead* which should be within the same Trust: And whereas the Sum of Three thousand Pounds, authorized by the said last-recited Act to be applied in making and completing the several Alterations and Improvements therein mentioned in the Road within the Limits ' and

‘ and District of the *Dunstable* Trust, is insufficient for the Purpose of completing and finishing such several Alterations and Improvements, and a further Sum, not exceeding Two thousand Pounds, will be wanted and required for that Purpose: And whereas the said Sum of Thirty thousand Pounds, authorized by the said last-recited Act to be applied in making and completing the several Alterations and Improvements therein mentioned in the Road within the Limits and District of the *Stratford* and *Dunchurch* Trust, exceeds by the Sum of Ten thousand Pounds or thereabouts the Sum required to discharge the Costs and Expences of such several Alterations and Improvements, which are now completed and finished: And whereas it is expedient that the said Commissioners acting in the Execution of the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth should be authorized and empowered to apply Part of the before-mentioned Sum of Ten thousand Pounds (not exceeding the Sum of Two thousand Pounds) in completing and finishing the several Alterations and Improvements in the Road within the Limits and District of the *Dunstable* Trust;’ be it therefore enacted, That it shall and may be lawful to and for the Commissioners acting in the Execution of the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, and they are hereby authorized and required, to apply any Part or Portion of the said Sum of Ten thousand Pounds (not exceeding in the whole the Sum of Two thousand Pounds) in completing and finishing the several Alterations and Improvements by the said recited Act of the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth authorized to be made and completed in the Road within the Limits and District of the *Dunstable* Trust, in addition to the Sum of Three thousand Pounds by the said last-mentioned Act directed to be applied for that Purpose; any thing contained in the said last-mentioned Act, or in any other Act, to the contrary thereof in anywise notwithstanding.

Commissioners authorized to apply the further Sum of 2,000*l.* in making Alterations and Improvements within the *Dunstable* Trust.

XIII. And be it enacted, That it shall and may be lawful for the Trustees of the *Dunstable* Trust, and they are hereby authorized, empowered, and required, to continue the several Tolls by them imposed and raised and now levied under the Powers and Authorities of the said recited Act of the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, for the Purpose of paying off the Sum of Three thousand Pounds in the said Act mentioned, and all Interest due and to become due thereon, until as well the said Sum of Three thousand Pounds, and all Interest due and to become due thereon, as also the Principal Sum or Sums herein-before authorized to be applied by the Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth in completing and finishing the Alterations

Trustees of the *Dunstable* Trust to continue the Tolls levied under the Act 6 & 7 W. 4. c. 35.

ations and Improvements in the Road within the *Dunstable* Trust, together with Interest thereon, shall be fully paid off and discharged.

Trustees of the *Dunstable* Trust to pay over the Tolls to be collected by them.

XIV. And be it enacted, That the Produce of the Tolls so collected and taken by the Trustees of the *Dunstable* Trust under the Authority of the said recited Act of the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth and this Act shall, after deducting the Expences of collecting and receiving the same, be annually accounted for and paid over by the Trustees to the Commissioners acting in execution of the said recited Act of the Third and Fourth Year of the Reign of His late Majesty King *William* the Fourth, until as well the said Sum of Three thousand Pounds mentioned in the said recited Act of the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, and all Interest due and to become due thereon, as also the Principal Sum or Sums to be advanced under the Provisions of this Act, and applied in completing and finishing the Alterations and Improvements in the Line of Road within the *Dunstable* Trust, together with Interest for the same after the Rate of Four Pounds *per Centum per Annum*, to be computed on the said Sum or Sums from the Time of advancing the same, shall have been paid off and discharged, the said Interest of Four Pounds *per Centum per Annum* on so much of the said Principal Sum or Sums advanced and to be advanced as aforesaid as shall from Time to Time remain due to be in the first place paid; and the Balance which shall from Time to Time arise from the said Tolls shall be applied, so far as the same may extend, in discharge of the said Principal Sum or Sums as aforesaid; and when and so soon as the said Principal Money, together with the Interest thereon, shall be fully paid off and discharged, the said Trustees of the *Dunstable* Trust shall cease to collect the said Tolls.

Roads not exempted from any general Act to be hereafter passed.

XV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Turnpike Roads in this Act mentioned or referred to from the Provisions of any general Act relating to the Consolidation or other improved Arrangement of Turnpike Roads which may pass during the present or any future Session of Parliament.

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

CAP. CV.

An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice, in *Ireland*.
[10th August 1840.]

485/1017
501/265
748/265
809/265

‘ WHEREAS the present Power of Arrest upon Mesne Process in *Ireland* is unnecessarily extensive and severe, and ought to be relaxed: And whereas it is expedient that certain Provisions of Acts of Parliament in force in *England* in relation to Actions in Courts of Common Law, and to Process and Proceedings therein, should be extended to *Ireland*: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Time appointed for the Commencement of this Act no Person shall be arrested upon Mesne Process in any Civil Action in any Inferior Court whatsoever, or (except in the Cases and in the Manner herein-after provided for) in any Superior Court.

Arrest on Mesne Process abolished, except in certain Cases.

II. And be it enacted, That if a Plaintiff in any Action in any of Her Majesty’s Superior Courts of Law at *Dublin*, in which the Defendant is now liable to Arrest, whether upon the Order of a Judge or without such Order, shall, by the Affidavit of himself or of some other Person, show, to the Satisfaction of a Judge of One of the said Superior Courts, that such Plaintiff has a Cause of Action against the Defendant or Defendants to the Amount of Twenty Pounds or upwards, or has sustained Damage to that Amount, and that there is probable Cause for believing that the Defendant or any One or more of the Defendants is or are about to quit *Ireland* unless he or they be forthwith arrested or held to special Bail, it shall be lawful for such Judge, by a special Order, to direct that such Defendant or Defendants so about to quit *Ireland* shall be held to Bail for such Sum as such Judge shall think fit, not exceeding the Amount of the Debt or Damages so sworn to as aforesaid; and thereupon it shall be lawful for such Plaintiff, within the Time which shall be expressed in such Order, but not afterwards, to sue out One or more Writ or Writs of Capias into One or more different Counties, as the Case may require, against any such Defendant so directed to be held to Bail, which Writ of Capias shall have marked at the Foot thereof or endorsed thereon the Sum for which such Defendant shall be so ordered to be arrested or held to Bail, and the said Writ shall have subscribed at the Foot thereof the Memorandum and Warning, and shall have endorsed thereon the

A Judge of a Superior Court may order Defendant to be arrested in certain Cases.

the several Endorsements in the Form in the Schedule (A.) to this Act annexed, and shall bear Date on the Day on which the same shall be issued, and be returnable into the Court out of which such Writ shall have issued, according to the Practice of such Court.

Sheriff may proceed to arrest Defendant.

Defendant to remain in Custody until he finds Bail, or makes a Deposit.

III. And be it enacted, That the Sheriff or other Officer to whom any such Writ of Capias shall be directed shall, before the Expiration of the Return of the said Writ, within One Calendar Month after the Date thereof, including the Day of such Date, but not afterwards, proceed to arrest the Defendant thereupon; and such Defendant when so arrested shall remain in Custody until he shall have given a Bail Bond to the Sheriff, or shall have made Deposit of the Sum endorsed on such Writ of Capias, together with Ten Pounds for Costs, according to the Practice of the said Superior Courts; and all subsequent Proceedings as to the putting in and perfecting Special Bail, or of making Deposit and Payment of Money into Court instead of putting in and perfecting Special Bail, shall be according to the like Practice of the said Superior Courts, or as near thereto as the Circumstances of the Case will admit.

Order may be made at any Time before final Judgment.

Defendant may apply for his Discharge forthwith.

Judge may discharge Defendant or not.

Order of Judge may be appealed from.

Prisoners in Custody on Mesne Process who have not filed Petitions under Insolvent Acts entitled to be discharged.

IV. And be it enacted, That any such Special Order may be made and the Defendant arrested in pursuance thereof at any Time after the Commencement of such Action, and before final Judgment shall have been obtained therein.

V. And be it enacted, That it shall be lawful for any Person arrested upon any such Writ of Capias to apply at any Time after such Arrest to a Judge of one of the Superior Courts at *Dublin*, or to the Court in which the Action shall have been commenced, for an Order or Rule on the Plaintiff in such Action to show Cause why the Person arrested should not be discharged out of Custody; and that it shall be lawful for such Judge or Court to make absolute or discharge or refuse such Order or Rule, and to direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Judge or Court shall seem fit; provided that any such Order made by a Judge may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order.

VI. And be it enacted, That every Prisoner who at the Time appointed for the Commencement of this Act shall be in Custody upon Mesne Process for any Debt or Demand, and shall not have filed a Petition to be discharged under the Laws in force for the Relief of Insolvent Debtors, may apply to the Court out of which such Process was issued, or any Judge thereof, for an Order or Rule on the Plaintiff in such Process to show Cause why the Prisoner so in Custody should not be discharged out of Custody; and it shall be lawful for such Court or Judge to make absolute or discharge or refuse such Order or Rule, and to direct the Costs of the Application to be paid by either Party, or to make such other Order therein as to such Judge or Court shall seem meet; provided that

that any such Order made by a Judge may be discharged or varied by the Court on Application made thereto by either Party dissatisfied with such Order; provided also, that every such Prisoner shall be liable to be detained, or after such Discharge to be again arrested, by virtue of any such special Order as aforesaid, at the Suit of the Plaintiff at whose Suit he was previously arrested, or of any other Plaintiff.

VII. And in order to prevent the Operation of any Statute of Limitation in bar of the Cause of Action of any Plaintiff in Cases in which such Cause of Action would be barred unless a Writ or Process issued and was continued for that Purpose, be it enacted, That every Writ or Process may be continued by Alias and Pluries, as the Case may require, if any Defendant therein named may not have been arrested or held to Bail thereunder or served therewith: Provided always, that no First Writ shall be available to prevent the Operation of any Statute whereby the Time for the Commencement of the Action may be limited, unless the Defendant shall be arrested or held to Bail thereunder or served therewith, or Proceeding to or towards Outlawry shall be had thereupon, or unless such Writ, and every Writ (if any) issued in continuation of a preceding Writ, shall be returned *Non est inventus*, and entered of Record within One Calendar Month after the Expiration of the Return of such Writ or Process, including the Day of such Expiration, and unless every Writ issued in continuation of a preceding Writ shall be issued within One Calendar Month after the Expiration of the preceding Writ, and shall contain a Memorandum endorsed thereon or subscribed thereto specifying the Day of the Date of the First Writ, such Return of *Non est inventus* to be made in bailable Process (in case such bailable Process shall be ordered to issue as aforesaid) by the Sheriff or other Officer to whom such Writ shall be directed, or his Successor in Office, and in Process not bailable, in case of Non-service thereof, to be made by the Plaintiff or his Attorney suing out the same, and signed by him, and in case such bailable Process shall be so returned *Non est inventus*, then for such Purpose of preventing the Operation of such Statute of Limitations the same may be continued by Alias and Pluries Writ not serviceable, to be continued and returned in manner aforesaid.

Where Statute of Limitations may be pleaded in bar of Actions, unless Writ, &c. issued and continued such Writ, &c. may be continued by Alias and Pluries.

VIII. And be it enacted, That if any single Creditor, or any Two or more Creditors being Partners, whose Debts shall amount to One hundred Pounds or upwards, or any Two Creditors whose Debts shall amount to One hundred and fifty Pounds or upwards, or any Three or more Creditors whose Debts shall amount to Two hundred Pounds or upwards, of any Trader within the Meaning of the Laws now in force respecting Bankrupts, shall file, with the proper Officer in the Office of the Lord Chancellor's Secretary of Bankrupts in *Ireland*, an Affidavit or Affidavits, to be sworn before a Master Ordinary or Extraordinary in Chancery, that such Debt or Debts is or are justly due to him or them respectively, and that

Manner of making a Debtor a Bankrupt.

such

such Debtor as he or they verily believe is such Trader as aforesaid, and shall cause him to be served personally with a Copy of such Affidavit or Affidavits, and with a Notice in Writing stating that such Affidavit or Affidavits hath or have been filed in the said Office pursuant to this Act, and requiring immediate Payment of such Debt or Debts; and if such Trader shall not within Forty-one Days after personal Service of such Affidavit or Affidavits and Notice, or within such further Time as any Commissioner of Bankrupt shall order, pay such Debt or Debts, or secure or compound for the same to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by any Judge of any of Her Majesty's Superior Courts at *Dublin*, or any Judge of Assize, or any Assistant Barrister at Quarter Sessions, or any Master in Ordinary of the Court of Chancery in *Ireland*, or any of such Persons as shall be for that Purpose appointed from Time to Time by any general or special Order of the Lord Chancellor of *Ireland*, or until such Appointment shall be made by any perpetual Commissioner appointed for taking Acknowledgments of Deeds by Married Women under the Act for "the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in *Ireland*," to pay such Sum or Sums as shall be recovered in any Action or Actions which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to the Custody of the Gaoler of the Court in which such Action shall have been or may be brought according to the Practice of such Court, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the Forty-second Day after Service of such Affidavit or Affidavits and Notice, provided a Commission of Bankruptcy shall issue against such Trader within Two Calendar Months from the filing of such Affidavit or Affidavits, but not otherwise.

In Cases of Outlawry Plaintiff may sue out Writs of Exegi and Proclamations, but Defendant not to be arrested thereon.

Warrants of Attorney or Cognovit actionem to be executed in the Presence of an Attorney on behalf of the

IX. And be it enacted, That in all Cases in which a Plaintiff intends to proceed to outlaw or waive a Defendant by Writs of Exegi and Proclamations in order to compel the Appearance of such Defendant in any Civil Action, it shall and may be lawful for such Plaintiff to take such Proceedings, and to sue out such Writ and Writs of Capias for that Purpose, in such Manner as may be now lawfully done; but no Defendant shall be arrested, detained in Custody, or held to Special Bail under or by virtue of such Proceeding, Writ or Writs.

X. ' And whereas it is expedient that Provision should be ' made for giving every Person executing a Warrant of At- ' torney to confess Judgment, or a Cognovit actionem, (save as ' herein-after mentioned,) due Information of the Nature and ' Effect thereof;' be it enacted, That from and after the Time appointed for the Commencement of this Act no Warrant of

Attorney to confess Judgment [in any personal Action, or Cognovit actionem given by any Person, save and except a Warrant of Attorney to confess Judgment in an Action upon a Bond or Writing obligatory recited therein or collateral therewith, shall be of any Force unless there shall be present some Attorney of One of the Superior Courts on behalf of such Person, expressly named by him, and attending at his Request, to] inform him of the Nature and Effect of such Warrant or Cognovit, before the same is executed; which Attorney shall subscribe his Name as a Witness to the due Execution thereof, and thereby declare himself to be Attorney for the Person executing the same, and state that he subscribes as such Attorney.

Person except Warrants collateral with Bonds.

XI. And be it enacted, That a Warrant of Attorney to confess Judgment, or Cognovit actionem, (save and except as aforesaid,) not executed in manner aforesaid, shall not be rendered valid by Proof that the Person executing the same did in fact understand the Nature and Effect thereof, or was fully informed of the same.

Warrant, &c. not formally executed invalid.

XII. 'And whereas Injustice is frequently done to Creditors ' by secret Warrants of Attorney to confess Judgments for ' securing the Payment of Money, whereby Persons in a State ' of Insolvency are enabled to keep up the Appearance of being ' in good Circumstances, and the Persons holding such Warrants of Attorney have the Power of taking the Property of ' such Insolvents in Execution at any Time, to the Exclusion ' of the rest of their Creditors;' for Remedy whereof be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty, if the Holder thereof shall think fit, every Warrant of Attorney to confess Judgment in any personal Action, or a true Copy thereof, and of the Attestation thereof, and the Defeasance and Endorsement thereon (if any), shall, within Twenty-one Days after the Execution of such Warrant of Attorney, be filed, together with an Affidavit of the Time of the Execution thereof, with the proper Officer in One of Her Majesty's Superior Courts at *Dublin*, in which Judgment upon such Warrant of Attorney shall thereafter be entered up.

Warrants of Attorney in personal Actions to be filed within Twenty-one Days.

XIII. And be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty, if at any Time after the Expiration of Twenty-one Days next after the Execution of such Warrant of Attorney, a Commission of Bankrupt shall be issued against the Person who shall have given such Warrant of Attorney, under which he shall be duly found and declared a Bankrupt, or any such Person shall be imprisoned for Debt, and file a Petition in the Court for Relief of Insolvent Debtors, whereon a vesting Order shall be made under the Provisions of any Act to continue and amend the Laws for Relief of Insolvent Debtors in *Ireland*, then and in such Case, unless such Warrant of Attorney, or a Copy thereof, shall have been filed as aforesaid within the said Space of Twenty-one Days from the Execution thereof, or unless Judgment

In what Case Warrant of Attorney, &c. deemed fraudulent and void.

Judgment shall have been signed, or Execution issued on such Warrant of Attorney within the same Period, and in the Court in which such Warrant of Attorney, or such Copy thereof, shall have been filed, such Warrant of Attorney, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees under such Commission, and against the Provisional or other Assignee or Assignees of such Prisoner appointed under such Act, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Defeasance of
Warrant of
Attorney, &c.
to be written
on the same
Paper.

XIV. And be it enacted, That if such Warrant of Attorney shall be given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper on which such Warrant of Attorney shall be written, before the Time when the same, or a Copy thereof respectively, shall be filed, otherwise such Warrant of Attorney shall be null and void to all Intents and Purposes.

Officer of Court
to keep a Book
containing List
and Particulars
of each Warrant
of Attorney.

XV. And be it enacted, That the said Officer of the said Court in which such Warrant of Attorney or Copy thereof shall be filed shall cause every such Warrant of Attorney in any personal Action, and every Copy thereof filed in his said Office, to be numbered, and shall keep a Book or Books in his said Office in which he shall cause to be fairly entered an alphabetical List of every such Warrant of Attorney, containing therein the Names and Additions and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney, and also the Names, Additions, and Descriptions of the Plaintiff or Persons in whose Favour the same shall have been given, together with the Number and Dates of the Execution and filing of the same, or of a Copy thereof respectively, and the Sums for which Judgment is to be entered up, and also the Sums which are specified to be paid by the Defeasances or Conditions in each Warrant of Attorney, and the Times when the same are thereby made payable, according to the Form contained in the Schedule (B.) to this Act annexed, which said Book or Books, and every Warrant of Attorney or Copy thereof, filed in the said Office, shall be searched and viewed by all Persons at all seasonable Times, paying for every Search against each Person executing such Warrant of Attorney the Sum of Sixpence, and no more.

Fee for filing
Warrant.

XVI. And be it enacted, That there shall be paid for filing and entering such Warrant of Attorney, or a Copy thereof as aforesaid, the Sum of One Shilling, and no more.

Office Copy had
on paying for.

XVII. And be it enacted, That any Person shall be entitled to have an Office Copy of each Warrant of Attorney, or of the Copy thereof, filed as aforesaid, in like Manner as Office Copies of Judgments in each such Court respectively.

Satisfaction to
be entered on
Warrant of
Attorney.

XVIII. And be it enacted, That it shall be lawful for any of the Judges of the Court in which the said Warrant of Attorney or Copy thereof is filed to order a Memorandum of Satisfaction

Satisfaction to be written upon such Warrant of Attorney, or Copy thereof respectively as aforesaid, if it shall appear to him or them that the Debt for which such Warrant of Attorney is given as a Security shall have been satisfied or discharged.

XIX. 'And whereas the existing Law is defective in not providing adequate Means for enabling Judgment Creditors to obtain Satisfaction from the Property of their Debtors, and it is expedient to give Judgment Creditors more effectual Remedies against the Real and Personal Estate of their Debtors than they possess under the existing Law;' be it therefore enacted, That it shall be lawful for the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, shall be directed at the Suit of any Person upon any Judgment which at the Time appointed for the Commencement of this Act shall have been recovered, or shall be thereafter recovered, in any Action in any of Her Majesty's Superior Courts at *Dublin*, to make and deliver Execution unto the Party in that Behalf suing, of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments which may be of Copyhold Tenure, as the Person against whom Execution is so sued, or any Person in Trust for him, shall have been seised or possessed of at the Time of entering up the said Judgment, or at any Time afterwards, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might, without the Assent of any other Person, exercise for his own Benefit, in like Manner as the Sheriff or other Officer may now make and deliver Execution of one Moiety of the Lands and Tenements of any Person against whom a Writ of Elegit is sued out; which Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, by force and virtue of such Execution, shall accordingly be held and enjoyed by the Party to whom such Execution shall be so made and delivered, subject to such Account in the Court out of which such Execution shall have been sued out as a Tenant by Elegit is now subject to in a Court of Equity: Provided always, that such Party suing out Execution, and to whom any Copyhold Lands may be so delivered in Execution, shall be liable and is hereby required to make, perform, and render to the Lord of the Manor, or other Person entitled, all such and the like Payments and Services as the Person against whom such Execution shall be issued would have been bound to make, perform, and render in case such Execution had not issued, and that the Party so suing out such Execution, and to whom any such Copyhold Lands shall have been so delivered in Execution, shall be entitled to hold the same until the Amount of such Payments and the Value of such Services, as well as the Amount of the Judgment, shall have been levied: Provided also, that as against Purchasers, Mortgagees, or Creditors who shall have become such before the Time appointed for the Commencement of this Act, such Writ of Elegit shall have no

Sheriff empowered to deliver Execution of Lands, &c. to Judgment Creditor.

Proviso as to Copyhold Lands.

Proviso as to Purchasers, Mortgagees, or Creditors.

greater or other Effect than a Writ of Elegit would have had in case this Act had not passed.

Sheriff empowered to seize Money, Bank Notes, &c. ;

and to pay Money or Bank Notes to Execution Creditor ;

and to sue for Amount secured by Bills of Exchange and other Securities.

Indemnity for Sheriff.

XX. And be it enacted, That by virtue of any Writ of Fieri facias to be sued out of any Superior or Inferior Court after the Time appointed for the Commencement of this Act, or any Precept in pursuance thereof, the Sheriff or other Officer having the Execution thereof may and shall seize and take any Money or Bank Notes (whether of the Governor and Company of the Bank of *Ireland*, or of any other Bank or Bankers), and any Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money, belonging to the Person against whose Effects such Writ of Fieri facias shall be sued out; and may and shall pay or deliver to the Party suing out such Execution any Money or Bank Notes which shall be so seized, or a sufficient Part thereof, and may and shall hold any such Cheques, Bills of Exchange, Promissory Notes, Bonds, Specialties, or other Securities for Money as a Security or Securities for the Amount by such Writ of Fieri facias directed to be levied, or so much thereof as shall not have been otherwise levied and raised; and may sue in the Name of such Sheriff or other Officer, for the Recovery of the Sum or Sums secured thereby, if and when the Time of Payment thereof shall have arrived, and that the Payment to such Sheriff or other Officer by the Party liable on any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security, with or without Suit, or the Recovery and levying Execution against the Party so liable, shall discharge him to the Extent of such Payment or of such Recovery and Levy in Execution, as the Case may be, from his Liability on any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security; and such Sheriff or other Officer may and shall pay over to the Party suing out such Writ the Money so to be recovered, or such Part thereof as shall be sufficient to discharge the Amount by such Writ directed to be levied; and if, after Satisfaction of the Amount so to be levied, together with Sheriff's Poundage and Expences, any Surplus shall remain in the Hands of such Sheriff or other Officer, the same shall be paid to the Party against whom such Writ shall be so issued: Provided that no such Sheriff or other Officer shall be bound to sue any Party liable upon any such Cheque, Bill of Exchange, Promissory Note, Bond, Specialty, or other Security, unless the Party suing out such Execution shall enter into a Bond, with Two sufficient Sureties, for indemnifying him from all Costs and Expences to be incurred in the Prosecution of such Action, or to which he may become liable in consequence thereof, the Amount of such Bond or the Sufficiency of such Sureties, or such Amount and such Sufficiency, to be determined by the Prothonotary or Clerk of the Pleas of the Court in which such Action shall be brought, or, if the Court shall so order, by a Commissioner of such Court authorized to take special Bail, and the Expence of such Bond

Bond to be deducted out of any Money to be recovered in such Action.

XXI. And be it enacted, That it shall be lawful for any Person entitled to sue out, or who has already sued out, a Writ of Elegit upon any Judgment recovered in any of Her Majesty's Courts at *Dublin*, or to issue, or who has issued, Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver may be appointed over any Lands, Tenements, Rectories, Tithes, Annuities, Rents, or Hereditaments by this Act made liable to be seized, extended, appraised, or taken in Execution on any such Judgment, and also (after such Order shall have been obtained as herein-after mentioned) all Government Stock, Funds, or Annuities, or Stock or Shares of or in any public Company, or the Dividends or Proceeds thereof, to which any Person or Persons against whom any such Judgment may have been obtained, or who may be liable to pay the same, or any Person or Persons in Trust for him or them, or any of them, may be entitled, or to order that any Receiver appointed before the passing of this Act over the Property of any Judgment Debtor may be extended to the Matter of such new Petition; and that in proceeding under the Act passed in the Session of Parliament held in the Fifth and Sixth Years of His late Majesty King *William the Fourth*, intituled *An Act for facilitating the Appointment of Sheriffs in Ireland, and the more effectual Audit and passing their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in Ireland; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in Ireland; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain*, and this Act, the said Court of Chancery, and Court of Exchequer at the Equity Side thereof, shall have Power to appoint or extend a Receiver in a summary Way, on a Petition at the Instance of such Person, over any Property of such Judgment Debtor which such Creditor would or could make available for the Payment of his Judgment Debt by filing (after a Writ of Execution had been issued and returned at Law upon such Judgment) a Bill in a Court of Equity, or by any Writ of Execution at Law, or (subject to the Proviso herein-after contained) by Petition under the Provisions of this Act; and it shall be lawful for the said Courts respectively to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as shall appear to be sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance; and every such Petition shall state the Judgment or Recognizance, and the Sum due thereon, and shall be verified by the Affidavit of the Person interested, or by such other Affidavit as the Court shall direct,

Receiver to be appointed or extended in certain Cases at the Suit of Creditors by Judgment or Recognizance.

5 & 6 W. 4. c. 55.

stating the Sum due for Principal, Interest, and Costs, over and above all just and fair Allowances; and it shall be lawful for the said Court to require Proof by the Affidavit of the Party applying for such Order, or by such other Affidavit or Affidavits or Evidence as it shall require, of the Particulars of such Property over which such Receiver shall be sought, and the Nature and Amount in Value thereof, and where situate, as to such Court shall appear just and reasonable; and the Proceedings on any such Petition may from Time to Time be continued by or against the Representatives of the original Parties, or other Persons interested or liable respectively in respect of such Judgment, in the same Manner as Proceedings under the said recited Act may now be continued; and that it shall not be necessary in proceeding under the said last-mentioned Act of the Fifth and Sixth Years of His late Majesty King *William* the Fourth, or this Act, at any Time during the Sittings of either of the said Courts of Chancery or Exchequer, to present a Petition, in order to obtain an Order of the Court in such Matter, after an Order shall have been made by such Courts respectively on the first Petition presented in any such Matter; and no Costs of any such Petition so presented after an Order on such first Petition shall be allowed.

Judgment to
operate as a
Charge on Real
Estates.

XXII. And be it enacted, That a Judgment already entered up, or to be hereafter entered up, against any Person in any of Her Majesty's Superior Courts at *Dublin*, shall operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or Interest whatever at Law or in Equity, whether in Possession, Reversion, Remainder, or Expectancy, or over which such Person shall, at the Time of entering up such Judgment or at any Time afterwards, have any disposing Power which he might, without the Assent of any other Person, exercise for his own Benefit, and shall be binding as against the Person against whom Judgment shall be so entered up, and against all Persons claiming under him after such Judgment, and shall also be binding as against the Issue of his Body and all other Persons whom he might, without the Assent of any other Person, cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments; and that every Judgment Creditor shall have such and the same Remedies in a Court of Equity against the Hereditaments so charged by virtue of this Act, or any Part thereof, as he would be entitled to in case the Person against whom such Judgment shall have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same, with the Amount of such Judgment Debt and Interest thereon: Provided that no Judgment Creditor shall be entitled to proceed in Equity to obtain the Benefit of such Charge under
this

Charge not to
be enforced

this Act until after the Expiration of One Year from the Time of entering up such Judgment, or in Cases of Judgments already entered up, or to be entered up before the Time appointed for the Commencement of this Act, until after the Expiration of One Year from the Time appointed for the Commencement of this Act; nor shall such Charge operate to give the Judgment Creditor any Preference in case of the Bankruptcy of the Person against whom Judgment shall have been entered up unless such Judgment shall have been entered up One Year at least before the Bankruptcy; provided also, that as regards Purchasers, Mortgagees, or Creditors who shall have become such before the Time appointed for the Commencement of this Act, such Judgment shall not affect Lands, Tenements, or Hereditaments otherwise than as the same would have been affected by such Judgment if this Act had not passed; provided also, that nothing herein contained shall be deemed or taken to alter or affect any Doctrine of Courts of Equity, whereby Protection is given to Purchasers for valuable Consideration, without Notice; provided also, that nothing in this Act contained shall take away or prejudice any Remedy or Proceeding which any Judgment Creditor may, or if this Act were not passed might, have or take in relation to his Judgment, but such Creditor shall be at liberty to proceed at Law or in Equity for Recovery of any Sum secured by or due upon any such Judgment, whether before or after such Period as aforesaid, as if this Act had not been passed.

until after Expiration of a Year.

Proviso as to Purchasers, &c.

XXIII. And be it enacted, That if any Person against whom any Judgment shall have been entered up in any of Her Majesty's Superior Courts at *Dublin* shall have any Government Stock, Funds, or Annuities, or any Stock or Shares of or in any public Company in *Ireland* (whether incorporated or not), standing in his Name in his own Right, or in the Name of any Person in Trust for him, it shall be lawful for the Court of Chancery, or the Court of Exchequer at the Equity Side thereof, on any such Petition as aforesaid, and also for any of the Superior Courts of Law, or a Judge thereof, on the Application of any Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them or such Part thereof respectively as he shall think fit, shall stand charged with the Payment of the Amount for which Judgment shall have been so recovered and Interest thereon; and such Order shall entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such Charge had been made in his Favour by the Judgment Debtor; and the Provisions last aforesaid shall extend to the Interest of any Judgment Debtor, whether in Possession, Remainder, or Reversion, and whether vested or contingent, as well in any such Stocks, Funds, Annuities, or Shares as aforesaid, as also in the Dividends, Interest, or annual Produce of any such Stock, Funds, Annuities, or Shares; and whenever any such Judgment Debtor shall have any Estate, Right, Title, or Interest, vested or contingent, in Possession, Remainder, or Reversion, in, to, or out of any such

Stock and Shares in public Funds and public Companies belonging to the Debtor, and standing in his own Name, to be charged by Order of a Judge.

Stock, Funds, Annuities, or Shares as aforesaid which shall be standing in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, or in, to, or out of the Dividends, Interest, or annual Produce thereof, it shall be lawful for such Court or Judge to make any Order as to such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in the same Way as if the same had been standing in the Name of a Trustee of such Judgment Debtor: Provided always, that no Order of any Court or Judge as to any Stock, Funds, Annuities, or Shares standing in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, or as to the Interest, Dividends, or annual Produce thereof, shall prevent the Governor and Company of the Bank of *Ireland*, or any public Company, from permitting any Transfer of such Stocks, Funds, Annuities, or Shares, or Payment of the Interest, Dividends, or annual Produce thereof, in such Manner as the Court of Chancery or the Court of Exchequer respectively may direct, or shall have any greater Effect than if such Debtor had charged such Stock, Funds, Annuities, or Shares, or the Interest, Dividends, or annual Produce thereof, in favour of the Judgment Creditor, with the Amount of the Sum to be mentioned in any such Order: Provided also, that no Proceedings shall be taken, save by the presenting of such Petition as aforesaid, to have the Benefit of such Charge until after the Expiration of Six Calendar Months from the Date of such Order.

Order of Judge to be made, in the first instance, *ex parte*, and on Notice to the Bank or Company to operate as a *Distringas*.

XXIV. And in order to prevent any Person against whom Judgment shall have been obtained from transferring, receiving, or disposing of any Stock, Funds, Annuities, or Shares hereby authorized to be charged for the Benefit of the Judgment Creditor under an Order of a Court or Judge, be it enacted, That every Order of any such Court or Judge charging any Government Stock, Funds, or Annuities, or any Stock or Shares in any public Company under this Act, shall be made in the first instance *ex parte*, and without any Notice to the Judgment Debtor, and shall be an Order to show Cause only; and such Order, if any Government Stock, Funds, or Annuities standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in Trust for him, is or are to be affected by such Order, shall restrain the Governor and Company of the Bank of *Ireland* from permitting a Transfer of such Stock in the meantime and until such Order shall be made absolute or discharged, and if any Stock or Shares of or in any public Company standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in Trust for him, is or are to be affected by any such Order, shall in like Manner restrain such public Company from permitting a Transfer thereof; and that if after Notice of such Order to the Person or Persons to be restrained thereby, or in case of Corporations to any authorized Agent of such Corporation, and before the same Order shall be discharged or made absolute, such Corporation

poration or Person or Persons shall permit any such Transfer to be made, then and in such Case the Corporation or Person or Persons so permitting such Transfer shall be liable to the Judgment Creditor for the Value or Amount of the Property so charged and so transferred, or such Part thereof as may be sufficient to satisfy his Judgment; and that no Disposition of the Judgment Debtor in the meantime shall be valid or effectual as against the Judgment Creditor; and further, that unless the Judgment Debtor shall, within a Time to be mentioned in such Order, show to one of the said Courts, or a Judge thereof, sufficient Cause to the contrary, the said Order shall, after Proof of Notice thereof to the Judgment Debtor, his Attorney or Agent, be made absolute; provided that any such Court or Judge shall, upon the Application of the Judgment Debtor, or any Person interested, have full Power to discharge or vary such Order, and to award such Costs, upon such Application, as such Court or Judge may think fit.

XXV. And be it enacted, That if any Judgment Creditor who under the Powers of this Act shall have obtained any Charge, or be entitled to the Benefit of any Security whatsoever, shall afterwards and before the Property so charged or secured shall have been converted into Money or realized, and the Produce thereof applied towards Payment of the Judgment Debt, cause the Person of the Judgment Debtor to be taken or charged in Execution upon such Judgment, then and in such Case such Judgment Creditor shall be deemed and taken to have relinquished all Right and Title to the Benefit of such Charge or Security, and shall forfeit the same accordingly.

Securities not realized to be relinquished if the Person taken in Execution.

XXVI. And be it enacted, That every Judgment Debt due upon any Judgment not confessed or recovered for any penal Sum for securing Principal and Interest shall carry Interest at the Rate of Four Pounds *per Centum per Annum* from the Time of entering up the Judgment, or from the Time of the Commencement of this Act in Cases of Judgments then entered up and not carrying Interest, until the same shall be satisfied, and such Interest may be levied under a Writ of Execution on such Judgment.

Judgment Debts to carry Interest.

XXVII. And be it enacted, That all Decrees and Orders of the Court of Chancery, and of the Court of Exchequer at the Equity Side thereof, and all Rules of any of the Superior Courts of Common Law, and all Orders of the Lord Chancellor or Master of the Rolls, or of the Court of Commissioners of Bankruptcy, and all Orders of the Lord Chancellor in Matters of Lunacy, whereby any Sum of Money, or any Costs, Charges, or Expences shall be payable to any Person, shall have the Effect of Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies or Costs, Charges, or Expences shall be payable shall be deemed Judgment Creditors within the Meaning of this Act; and all Powers hereby given to the Judges of the Superior Courts of Common Law with respect to Matters depending in the same Courts shall and may be exercised by the Courts of Chancery and Exchequer at the

Decrees and Orders of Courts of Equity, &c. to have Effect of Judgments.

Equity Side thereof with respect to Matters therein depending, and by the Lord Chancellor, Master of the Rolls, and Court of Commissioners of Bankrupt respectively in Matters of Bankruptcy, and by the Lord Chancellor in Matters of Lunacy; and all Remedies hereby given to Judgment Creditors are in like Manner given to Persons to whom any Monies or Costs, Charges, or Expences are by such Orders or Rules respectively directed to be paid; and the Date of the same, and Amount due on Foot thereof, shall be stated in any Petition for a Receiver under the said Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and this Act, as in the Case of a Petition founded on a Judgment entered or recovered in any of such Superior Courts of Law as afore-said.

No Decree, &c.
to affect Real
Estate until
registered.

XXVIII. Provided always, and be it enacted, That no Decree or Order in any Court of Equity, nor any Rule of a Court of Common Law, nor any Order in Bankruptcy or Lunacy, shall, by virtue of this Act, affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute containing the Name and the usual or last known Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected thereby, and the Court, and the Title of the Cause or Matter in which such Decree, Order, or Rule shall have been obtained or made, and the Date of such Decree Order, or Rule, and the Amount of the Debt, Damages, Costs, or Monies thereby recovered or ordered to be paid, shall be left with such Person, being any Officer of the Court of Chancery or of the Court of Exchequer, as the Lord Chancellor, Master of the Rolls, and Lord Chief Baron shall appoint, any Notice of any such Decree, Order, or Rule to any Purchaser, Mortgagee, or Creditor in anywise notwithstanding; and such Officer shall forthwith enter the same Particulars in a Book in alphabetical Order by the Name of the Person whose Estate is intended to be affected by such Judgment, Decree, Order, or Rule; and such Officer shall be entitled for any such Entry to the Sum of Five Shillings; and all Persons shall be at liberty to search the same Book on Payment of the Sum of One Shilling.

New Writs to
be framed.

XXIX. And be it enacted, That such new or altered Writs shall be sued out of the Courts of Law, Equity, and Court of Commissioners of Bankrupt as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time, to Time think fit to order; and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit; and that any existing Writ the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein,

therein, except so far as the Effect thereof may be varied by this Act.

XXX. And be it enacted, That in all Cases where final Judgment shall be obtained in any Action or Suit in any Inferior Court of Record, in which at the Time of passing of this Act a Barrister of not less than Six Years standing shall act as Judge, Assessor, or Assistant in the Trial of Causes, and also in all Cases where any Rule or Order shall be made by any such Inferior Court of Record as aforesaid, whereby any Sum of Money, or any Costs, Charges, or Expences shall be payable to any Person, it shall be lawful for the Judges of any of Her Majesty's Superior Courts of Record at *Dublin*, or for any Judge of any of the said Courts at Chamber, either in Term or Vacation, upon the Application of any Person who at the Time of the Commencement of this Act shall have recovered or who shall at any Time thereafter recover such Judgment, or to whom any Money or Costs, Charges or Expences, shall be payable by such Rule or Order as aforesaid, or upon the Application of any Person on his Behalf, and upon the Production of the Record of such Judgment, or upon the Production of such Rule or Order, such Record, or Rule or Order, as the Case may be, being respectively under the Seal of the Inferior Court and Signature of the proper Officer thereof, to order and direct the Judgment, or (as the Case may be) the Rule or Order of such Inferior Court, to be removed into the said Superior Court; and immediately thereupon such Judgment, Rule, or Order shall be of the same Force, Charge, and Effect as a Judgment recovered in or a Rule or Order made by such Superior Court; and all Proceedings shall and may be immediately had and taken thereupon, or by reason or in consequence thereof, as if such Judgment so recovered, or Rule or Order so made, had been originally recovered in or made by the said Superior Court; and all the reasonable Costs and Charges attendant upon such Application and Removal shall be recovered in like Manner as if the same were Part of such Judgment, or Rule or Order: Provided always, that no such Judgment, or Rule or Order when so removed as aforesaid, shall affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors any further than the same would have done if the same had remained a Judgment, Rule, or Order of such Inferior Court, unless and until a Writ of Execution thereon shall be actually put into the Hands of the Sheriff or other Officer appointed to execute the same: Provided also, that nothing herein contained shall extend or apply to any Decree, Dismiss, Rule, or Order of any Assistant Barrister, or any Order of any Judge made upon any Appeal from any such Decree or Dismiss, or to any Decree or Order of any Manor Court; or to any Order made upon any Appeal from any such Decree or Order.

XXXI. ' And whereas there is no Remedy provided by Law for Injuries to the Real Estate of any Person deceased, committed in his Lifetime, nor for certain Wrongs done by a Person

For Removal of Judgment of Inferior Courts.

Executors may bring Actions for Injuries to the Real Estate of the deceased.

and Actions
may be brought
against Execu-
tors for an In-
jury to Pro-
perty, Real or
Personal, by
their Testator.

Limitation of
Action of Debt
on Specialties,
&c.

‘ Person deceased in his Lifetime to another in respect of his
‘ Property Real or Personal;’ for Remedy thereof be it enacted,
That an Action of Trespass or Trespass on the Case (as the
Case may be) may be maintained by the Executors or Admin-
istrators of any Person deceased for any Injury to the Real
Estate of such Person committed in his Lifetime for which an
Action might have been maintained by such Person, so as such
Injury shall have been committed within Six Calendar Months
before the Death of such deceased Person, and provided such
Action shall be brought within One Year after the Death of
such Person; and the Damages, when recovered, shall be Part
of the Personal Estate of such Person; and further that an
Action of Trespass or Trespass on the Case (as the Case may
be) may be maintained against the Executors or Administrators
of any Person deceased for any Wrong committed by him in
his Lifetime to another in respect of his Property, Real or
Personal, so as such Injury shall have been committed within
Six Calendar Months before such Person’s Death, and so as
such Action shall be brought within Six Calendar Months after
such Executors or Administrators shall have taken upon them-
selves the Administration of the Estate and Effects of such
Person; and the Damages to be recovered in such Action shall
be payable in like Order of Administration as the Simple
Contract Debts of such Person.

XXXII. And be it enacted, That all Actions of Debt for
Rent upon an Indenture of Demise, all Actions of Covenant
or Debt upon any Bond or other Specialty, and all Actions of
Debt or Scire facias upon any Recognizance, and also all Actions
of Debt upon any Award where the Submission is not by
Specialty, or for any Fine due in respect of any Copyhold
Estates, or for an Escape, or for Money levied on any Fieri
facias, and all Actions for Penalties, Damages, or Sums of
Money given to the Party grieved by any Statute now or here-
after to be in force, that shall be sued or brought at any Time
after the Time when this Act shall commence and take effect,
shall be commenced and sued within the Time and Limitation
herein-after expressed, and not after; (that is to say,) the said
Actions of Debt for Rent upon an Indenture of Demise, or
Covenant or Debt upon any Bond or other Specialty, Actions
of Debt or Scire facias upon Recognizance, within Ten Years
after the End of this present Session, or within Twenty Years
after the Cause of such Actions or Suits, but not after; the
said Actions by the Party grieved One Year after the End of
this present Session, or within Two Years after the Cause of
such Actions or Suits, but not after; and the said other Actions
within Three Years after the End of this present Session, or
within Six Years after the Cause of such Actions or Suits, but
not after; provided that nothing herein contained shall extend
to any Action given by any Statute where the Time for bringing
such Action is or shall be by any Statute specially limited.

Infants, Femes
Covert, &c.

XXXIII. And be it enacted, That if any Person or Persons
that is or are or shall be entitled to any such Action or Suit,
or

or to such Scire facias, is or are, or shall be at the Time of any such Cause of Action accrued, within the Age of Twenty-one Years, Feme Covert, *non compos mentis*, or beyond the Seas, then such Person or Persons shall be at liberty to bring the same Actions, so as they commence the same within such Times after their coming to or being of full Age, discover, of sound Memory, or returned from beyond the Seas, as other Persons having no such Impediment should, according to the Provisions of this Act, have done; and that if any Person or Persons against whom there shall be any such Cause of Action is or are or shall be at the Time such Cause of Action accrued beyond the Seas, then the Person or Persons entitled to any such Cause of Action shall be at liberty to bring the same against such Person or Persons within such Times as are before limited, after the Return of such Person or Persons from beyond the Seas.

Absence of Defendants beyond the Seas provided for.

XXXIV. Provided always, and be it enacted, That if any Acknowledgment shall have been made, either by Writing signed by the Party liable by virtue of such Indenture, Specialty, or Recognizance, or his Agent, or by Part Payment or Part Satisfaction on account of any Principal or Interest being then due thereon, it shall and may be lawful for the Person or Persons entitled to such Actions to bring his or their Action for the Money remaining unpaid and so acknowledged to be due within Twenty Years after such Acknowledgment by Writing or Part Payment or Part Satisfaction as aforesaid; or in case the Person or Persons entitled to such Action shall at the Time of such Acknowledgment be under such Disability as aforesaid, or the Party making such Acknowledgment be at the Time of making the same beyond the Seas, then within Twenty Years after such Disability shall have ceased as aforesaid, or the Party shall have returned from beyond the Seas (as the Case may be); and the Plaintiff or Plaintiffs in any such Action on any Indenture, Specialty, or Recognizance may, by way of Replication, state such Acknowledgment, and that such Action was brought within the Time aforesaid in answer to a Plea of this Statute.

Acknowledgment in Writing, or Part Payment.

XXXV. And be it enacted, if in any of the said Actions Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alleged in Arrest of Judgment the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ, or Bill, or if in any of the said Actions the Defendant shall be outlawed, and shall after reverse the Outlawry, That in all such Cases the Party Plaintiff, his Executors or Administrators (as the Case shall require), may commence a new Action or Suit from Time to Time within a Year after such Judgment reversed, or such Judgment given against the Plaintiff, or Outlawry reversed, and not after.

The Limitation after Judgment or Outlawry reversed.

XXXVI. And be it enacted, That no Part of the United Kingdom of Great Britain and Ireland, nor the Islands of Man, Guernsey, Jersey, Alderney, and Sark, nor any Islands adjacent

No Part of the United Kingdom, &c. to be deemed beyond the Seas within 10

the Meaning of
this Act.

to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be beyond the Seas within the Meaning of this Act, or of the Act passed in the Tenth Year of the Reign of King *Charles* the First, intituled *An Act for Limitation of Actions, and for avoiding of Suits in Law.*

Restriction as
to Plea in
abatement for
Nonjoinder of a
Co-defendant.

XXXVII. And be it enacted, That no Plea in abatement for the Nonjoinder of any Person as a Co-defendant shall be allowed in any Court of Common Law unless it shall be stated in such Plea that such Person is resident within the Jurisdiction of the Court, and unless the Place of Residence of such Person shall be stated with convenient Certainty in an Affidavit verifying such Plea.

Reply of Plain-
tiff to Plea in
abatement of
Nonjoinder.

XXXVIII. And be it enacted, That to any Plea in abatement in any Court of Law of the Nonjoinder of another Person the Plaintiff may reply that such Person has been discharged by Bankruptcy and Certificate, or under an Act for the Relief of Insolvent Debtors.

In case of sub-
sequent Pro-
ceedings against
the Persons
named in a Plea
in abatement.

XXXIX. And be it enacted, That in all Cases in which, after such Plea in abatement, the Plaintiff shall, without having proceeded to Trial upon an Issue thereon, commence another Action against the Defendant or Defendants in the Action in which such Plea in abatement shall have been pleaded, and the Person or Persons named in such Plea in abatement, as joint Contractors, if it shall appear by the Pleadings in such subsequent Action, or on the Evidence at the Trial thereof, that all the original Defendants are liable, but that One or more of the Persons named in such Plea in abatement, or any subsequent Plea in abatement, are not liable as a contracting Party or Parties, the Plaintiff shall nevertheless be entitled to Judgment, or to a Verdict and Judgment (as the Case may be), against the other Defendant or Defendants who shall appear to be liable; and every Defendant who is not so liable shall have Judgment, and shall be entitled to his Costs as against the Plaintiff, who shall be allowed the same as Costs in the Cause against the Defendant or Defendants who shall have so pleaded in abatement the Nonjoinder of such Person; provided that any such Defendant who shall have so pleaded in abatement shall be at liberty on the Trial to adduce Evidence of the Liability of the Defendants named by him in such Plea in abatement.

Misnomer not
to be pleaded
in abatement.

XL. And be it enacted, That no Plea in abatement for a Misnomer shall be allowed in any personal Action, but that in all Cases in which a Misnomer would but for this Act have been by Law pleadable in abatement in such Actions, the Defendant shall be at liberty to cause the Declaration to be amended, at the Costs of the Plaintiff, by inserting the right Name upon a Judge's Summons, founded on an Affidavit of the right Name; and in case such Summons shall be discharged the Costs of such Application shall be paid by the Party applying, if the Judge shall think fit.

Initials of
Names may be

XLI. And be it enacted, That in all Actions upon Bills of Exchange, or Promissory Notes, or other written Instruments,

any

any of the Parties to which are designated by the initial Letter or Letters, or some Contraction of the Christian or first Name or Names, it shall be sufficient in every Affidavit to hold to Bail, and in the Process or Declaration to designate such Persons by the same initial Letter or Letters or Contraction of the Christian or first Name or Names, instead of stating the Christian or first Name or Names in full.

used in some Cases.

XLII. And be it enacted, That no Wager of Law shall be hereafter allowed.

Wager of Law abolished.

XLIII. And be it enacted, That an Action of Debt on Simple Contract shall be maintainable in any Court of Common Law against any Executor or Administrator.

Action of Debt on Simple Contract.

XLIV. ' And whereas it is expedient to lessen the Expence ' of the Proof of written or printed Documents, or Copies ' thereof, on the Trial of Causes ;' be it enacted, That it shall and may be lawful for the Judges of the Superior Courts of Common Law at *Dublin*, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, at any Time within Five Years after this Act shall take effect, to make Regulations by general Rules or Orders from Time to Time, in Term or in Vacation, touching the voluntary Admission, upon an Application for that Purpose at a reasonable Time before the Trial, of one Party to the other of all such written or printed Documents, or Copies of Documents, as are intended to be offered in Evidence on the said Trial by the Party requiring such Admission, and touching the Inspection thereof before such Admission is made, and touching the Costs which may be incurred by the Proof of such Documents or Copies on the Trial of the Cause in case of the omitting to apply for such Admission, or the not producing of such Document or Copies for the Purpose of obtaining Admission thereof or of the Refusal to make such Admission (as the Case may be), and as to the said Judges shall seem meet; and all such Rules and Orders shall be binding and obligatory in all Courts of Common Law, and of the like Force as if the Provisions therein contained had been expressly enacted by Parliament.

Power for the Judges to make Regulations as to the Admission of written Documents.

XLV. And be it enacted, That, from and after the First Day of *January* One thousand eight hundred and forty-one, the Sheriff of each County in *Ireland* shall severally name a sufficient Deputy, who shall be resident or have an Office within One Mile from the Four Courts, *Dublin*, for the Receipt of Writs, granting Warrants thereon, making Returns thereto, and accepting of all Rules and Orders to be made on or touching the Execution of any Process or Writ to be directed to such Sheriff.

Sheriffs to name Deputies to be resident in Dublin.

XLVI. And be it enacted, That it shall be lawful for the Defendant in all personal Actions (except Actions for Assault and Battery, false Imprisonment, Libel, Slander, malicious Arrest or Prosecution, Criminal Conversation, or debauching of the Plaintiff's Daughter or Servant), by Leave of any of the said Superior Courts where such Action is pending, or a Judge of any of the said Superior Courts, to pay into Court a Sum of Money

Defendant to be allowed to pay Money into Court in certain Actions by Leave of Court or Judge.

Money by way of Compensation or Amends, in such Manner, and under such Regulations as to the Payment of Costs and the Form of pleading, as the said Judges, or such Eight or more of them as aforesaid, shall, by any Rules or Orders by them to be from Time to Time made, order and direct.

Power to direct local Actions to be tried in any County.

XLVII. 'And whereas unnecessary Delay and Expence is sometimes occasioned by the Trial of local Actions in the County where the Cause of Action has arisen;' be it therefore enacted, That in any Action depending in any of the said Superior Courts, the Venue in which is by Law local, the Court in which such Action shall be depending, or any Judge of any of the said Courts, may, on the Application of either Party, order the Issue to be tried, or Writ of Inquiry to be executed, in any other County or Place than that in which the Venue is laid; and for that Purpose any such Court or Judge may order a Suggestion to be entered on the Record that the Trial may be more conveniently had, or Writ of Inquiry executed, in the County or Place where the same is ordered to take place.

Allowing Amendments to be made on the Record in certain Cases.

XLVIII. 'And whereas great Expence is often incurred, and Delay or Failure of Justice takes place at Trials, by reason of Variances as to some Particular or Particulars between the Proof and the Record, or setting forth on the Record or Document on which the Trial is had, of Contracts, Customs, Prescriptions, Names, and other Matters or Circumstances not material to the Merits of the Case, and by the Mis-statement of which the opposite Party cannot have been prejudiced, and the same cannot in any Case be amended at the Trial, except where the Variance is between any Matter in Writing or in Print produced in Evidence and the Record: And whereas it is expedient to allow such Amendments as herein-after mentioned to be made on the Trial of the Cause;' be it therefore enacted, That it shall be lawful for any Court of Record holding Plea in Civil Actions, and any Judge sitting at Nisi Prius, if such Court or Judge shall see fit so to do, to cause the Record, Writ, or Document on which any Trial may be pending before any such Court or Judge in any Civil Action, or in any Information in the Nature of a Quo warranto, or Proceedings on a Mandamus, when any Variance shall appear between the Proof and the Recital or setting forth on the Record, Writ, or Document on which the Trial is proceeding, of any Contract, Custom, Prescription, Name, or other Matter in any Particular or Particulars, in the Judgment of such Court or Judge not material to the Merits of the Case, and by which the opposite Party cannot have been prejudiced in the Conduct of his Action, Prosecution, or Defence, to be forthwith amended by some Officer of the Court or otherwise, both in the Part of the Pleadings where such Variance occurs and in every other Part of the Pleadings which it may become necessary to amend, on such Terms as to Payment of Costs to the other Party, or postponing the Trial to be had before the same or another Jury, or both Payment of Costs and Postponement, as such Court or Judge shall think reasonable; and in case such Variance shall

be in some Particular or Particulars in the Judgment of such Court or Judge not material to the Merits of the Case, but such as that the opposite Party may have been prejudiced thereby in the Conduct of his Action, Prosecution, or Defence, then such Court or Judge shall have Power to cause the same to be amended upon Payment of Costs to the other Party, and withdrawing the Record or postponing the Trial as aforesaid, as such Court or Judge shall think reasonable; and after any such Amendment the Trial shall proceed, in case the same shall be proceeded with, in the same Manner in all respects, both with respect to the Liability of Witnesses to be indicted for Perjury and otherwise, as if no such Variance had appeared; and in case such Trial shall be had at Nisi Prius the Order for the Amendment shall be endorsed on the Postea or the Writ (as the Case may be), and returned together with the Record or Writ, and thereupon such Papers, Rolls, and other Records of the Court from which such Record or Writ issued, as it may be necessary to amend, shall be amended accordingly; and in case the Trial shall be had in any Court of Record, then the Order for Amendment shall be entered on the Roll or other Document upon which the Trial shall be had; provided that it shall be lawful for any Party who is dissatisfied with the Decision of such Judge respecting his Allowance of any such Amendment to apply to the Court from which such Record or Writ issued for a new Trial upon that Ground, and in case any such Court shall think such Amendment improper a new Trial shall be granted accordingly, on such Terms as the Court shall think fit, or the Court shall make such other Order as to them may seem meet.

XLIX. And be it enacted, That the said Court or Judge shall and may, if they or he think fit, in all such Cases of Variance, instead of causing the Record or Document to be amended as aforesaid, direct the Jury to find the Fact or Facts according to the Evidence, and thereupon such Finding shall be stated on such Record or Document; and notwithstanding the Finding on the Issue joined, the said Court, or the Court from which the Record has issued, shall, if they shall think the said Variance immaterial to the Merits of the Case, and the Mis-statement such as could not have prejudiced the opposite Party in the Conduct of the Action or Defence, give Judgment according to the very Right and Justice of the Case.

L. And be it enacted, That it shall be lawful for the Parties in any Action or Information, after Issue joined, by Consent, and by Order of any of the Judges of the said Superior Courts, to state the Facts of the Case in the Form of a special Case for the Opinion of the Court, and to agree that a Judgment shall be entered for the Plaintiff or Defendant, by Confession or of Nolle prosequi, immediately after the Decision of the Case, or otherwise as the Court may think fit, and Judgment shall be entered accordingly.

LI. And in order to render the Rejection of Witnesses on the Ground of Interest less frequent, be it enacted, That if

Power for the Court or Judge to direct the Facts to be found specially.

Power to state a special Case without proceeding to Trial.

Witnesses interested solely on account of the Verdict to be admissible.

any Witness shall be objected to as incompetent on the Ground that the Verdict or Judgment in the Action on which it shall be proposed to examine him would be admissible in Evidence for or against him, such Witness shall nevertheless be examined; but in that Case a Verdict or Judgment in that Action in favour of the Party on whose Behalf he shall have been examined shall not be admissible in Evidence for him, or any one claiming under him, nor shall a Verdict or Judgment against the Party on whose Behalf he shall have been examined be admissible in Evidence against him, or any one claiming under him.

Names of such Witnesses to be endorsed on the Record.

LII. And be it enacted, That the Name of every Witness objected to as incompetent on the Ground that such Verdict or Judgment would be admissible in Evidence for or against him shall at the Trial be endorsed on the Record or Document on which the Trial shall be had, together with the Name of the Party on whose Behalf he was examined, by some Officer of the Court, at the Request of either Party, and shall be afterwards entered on the Record of the Judgment; and such Endorsement or Entry shall be sufficient Evidence that such Witness was examined in any subsequent Proceeding in which the Verdict or Judgment shall be offered in Evidence.

Jury empowered to allow Interest upon Debts.

LIII. And be it enacted, That upon all Debts or Sums certain, payable at a certain Time or otherwise, the Jury on the Trial of any Issue, or on any Inquisition of Damages, may, if they shall think fit, allow Interest to the Creditor at a Rate not exceeding the current Rate of Interest, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Term of Payment; provided that Interest shall be payable in all Cases in which it is now payable by Law; and provided also, that such Interest so to be allowed by such Jury shall not be so allowed for any Period exceeding Six Years.

In certain Actions the Jury may give Damages in the Nature of Interest.

LIV. And be it enacted, That the Jury on the Trial of any Issue, or on any Inquisition of Damages, may, if they shall think fit, give Damages in the Nature of Interest, for any Period not exceeding Six Years, over and above the Value of the Goods at the Time of the Conversion or Seizure, in all Actions of Trover or Trespass de bonis asportatis, and over and above the Money recoverable in all Actions on Policies of Assurance made after the passing of this Act.

Interest to be allowed on all Writs of Error for the Time that Execution has been delayed.

LV. And be it enacted, That if any Person shall sue out any Writ of Error upon any Judgment whatsoever given in any Court in any Action personal, and the Court of Error shall give Judgment for the Defendant thereon, then Interest shall be allowed by the Court of Error for such Time as Execution has been delayed by such Writ of Error for the defraying thereof.

LVI. And

LVI. And be it enacted, That in every Action brought by any Executor or Administrator in right of the Testator or Intestate, such Executor or Administrator shall, unless the Court in which such Action is brought, or a Judge of any of the said Superior Courts, shall otherwise order, be liable to pay Costs to the Defendant in case of being nonsuited, or a Verdict passing against the Plaintiff, and in all other Cases in which he would be liable if such Plaintiff were suing in his own Right upon a Cause of Action accruing to himself; and the Defendant shall have Judgment for such Costs, and they shall be recovered in like Manner.

Executors suing in right of the Testator to pay Costs in case of Nonsuit, &c

LVII. And be it enacted, That where several Persons shall be made Defendants in any personal Action, and any One or more of them shall have a Nolle prosequi entered as to him or them, or upon the Trial of such Action shall have a Verdict pass for him or them, every such Person shall have Judgment for and recover his reasonable Costs, unless, in the Case of a Trial, the Judge before whom such Cause shall be tried shall certify upon the Record, under his Hand, that there was a reasonable Cause for making such Person a Defendant in such Action.

One or more of several Defendants in any Action, having a Nolle prosequi or a Verdict, shall have Costs.

LVIII. And be it enacted, That where any Nolle prosequi shall have been entered upon any Count, or as to Part of any Declaration, the Defendant shall be entitled to and have Judgment for and recover his reasonable Costs in that Behalf.

Where Nolle prosequi entered upon any Count, &c:

LIX. And be it enacted, That in all Writs of Scire facias the Plaintiff obtaining Judgment on an Award of Execution shall recover his Costs of Suit upon a Judgment by Default, as well as upon a Judgment after Plea pleaded or Demurrer joined; and that where Judgment shall be given either for or against a Plaintiff or Demandant, or for or against a Defendant or Tenant, upon any Demurrer joined in any Action whatever, the Party in whose Favour such Judgment shall be given shall also have Judgment to recover his Costs in that Behalf.

Plaintiff in Scire facias, and Plaintiff or Defendant on Demurrer to have Costs.

LX. ' And whereas it is provided in and by a Statute passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Law relative to Jurors and Juries in Ireland*, that the Person or Party who shall apply for a Special Jury shall pay the Fees for striking such Jury, and all the Expences occasioned by the Trial of the Cause by the same, and shall not have any further or other Allowance for the same, upon Taxation of Costs, than such Person or Party would be entitled unto in case the Cause had been tried by a Common Jury, unless the Judge before whom the Cause is tried shall, immediately after the Verdict, certify under his Hand, upon the Back of the Record, that the same was a Cause proper to be tried by a Special Jury: And whereas the said Provision does not apply to Cases in which the Plaintiff has been nonsuited, and it is expedient that the Judge should have such

Costs of special Juries in case of Nonsuit.

3 & 4 W. 4. c. 91.

‘ Power of certifying as well when a Plaintiff is nonsuited as ‘ when he has a Verdict against him ;’ be it therefore enacted, That the said Provision of the said last-mentioned Act of Parliament, and every thing therein contained, shall apply to Cases in which the Plaintiff shall be nonsuited as well as to Cases in which a Verdict shall pass against him.

Executors of
Lessor may dis-
train for Arrears
in his Lifetime.

LXI. And be it enacted, That it shall be lawful for the Executors or Administrators of any Lessor or Landlord to distrain upon the Lands demised, for any Term or at Will, for the Arrearages of Rent due to such Lessor or Landlord in his Lifetime, in like Manner as such Lessor or Landlord might have done in his Lifetime.

Arrears may be
distrained for
within Six
Months after
Determination
of Term.

LXII. And be it enacted, That such Arrearages may be distrained for after the End or Determination of such Term or Lease at Will, in the same Manner as if such Term or Lease had not been ended or determined; provided that such Distress be made within the Space of Six Calendar Months after the Determination of such Term or Lease, and during the Continuance of the Possession of the Tenant from whom such Arrears became due; provided also, that all and every the Powers and Provisions in the several Statutes made relating to Distresses for Rent shall be applicable to the Distresses so made as aforesaid.

Submission to
Arbitration by
Rule of Court,
&c. not to be
revocable with-
out Leave of
the Court.

LXIII. ‘ And whereas it is expedient to render References ‘ to Arbitration more effectual ;’ be it enacted, That the Power and Authority of any Arbitrator or Umpire appointed by or in pursuance of any Rule of Court, or Judge’s Order, or Order of Nisi Prius, in any Action now brought, or which shall be hereafter brought, or by or in pursuance of any Submission to Reference containing an Agreement that such Submission shall be made a Rule of any of Her Majesty’s Courts of Record, shall not be revocable by any Party to such Reference, without the Leave of the Court by which such Rule or Order shall be made, or which shall be mentioned in such Submission, or by Leave of a Judge; and the Arbitrator or Umpire shall and may and is hereby required to proceed with the Reference, notwithstanding any such Revocation, and to make such Award, although the Person making such Revocation shall not afterwards attend the Reference; and that the Court, or any Judge thereof, may from Time to Time enlarge the Term for any such Arbitrator making his Award.

Power to com-
pel the Attend-
ance of Wit-
nesses.

LXIV. And be it enacted, That when any Reference shall have been made by any such Rule or Order as aforesaid, or by any Submission containing such Agreement as aforesaid, it shall be lawful for the Court by which such Rule or Order shall be made, or which shall be mentioned in such Agreement, or for any Judge, by Rule or Order to be made for that Purpose, to command the Attendance and Examination of any Person to be named or the Production of any Documents to be mentioned in such Rule or Order; and the Disobedience to any such Rule or Order shall be deemed a Contempt of Court if, in addition to the Service of such Rule or Order, an Ap-
pointment

pointment of the Time and Place of Attendance in obedience thereto, signed by One at least of the Arbitrators, or by the Umpire, before whom the Attendance is required, shall also be served either together with or after the Service of such Rule or Order: Provided always, that every Person whose Attendance shall be so required shall be entitled to the like Conduct Money, and Payment of Expences and for Loss of Time, as for and upon Attendance at any Trial; provided also, that the Application made to such Court or Judge for such Rule or Order shall set forth the County where such Witness is residing at the Time, or satisfy such Court or Judge that such Person cannot be found; provided also, that no Person shall be compelled to produce, under any such Rule or Order, any Writing or other Document that he would not be compelled to produce at a Trial, or to attend at more than Two consecutive Days, to be named in such Order.

LXV. And be it enacted, That when in any Rule or Order of Reference, or in any Submission to Arbitration containing an Agreement that the Submission shall be made a Rule of Court, it shall be ordered or agreed that the Witnesses upon such Reference shall be examined upon Oath, it shall be lawful for the Arbitrator or Umpire, or any One Arbitrator, and he or they are hereby authorized and required, to administer an Oath to such Witnesses, or to take their Affirmation in Cases where Affirmation is allowed by Law instead of Oath; and if upon such Oath or Affirmation any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall be prosecuted and punished accordingly.

Power for the Arbitrators under a Rule of Court to administer an Oath.

LXVI. ' And whereas great Difficulties and Delays may be experienced, and sometimes a Failure of Justice may take place, in Actions depending in Courts of Law in *Ireland*, by reason of the Want of a competent Power or Authority in the said Courts to order and enforce the Examination of Witnesses, when the same may be required, before the Trial of a Cause: And whereas by an Act passed in the Parliament of *Great Britain* in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the establishing certain Regulations for the better Management of the Affairs of the East India Company as well in India as in Europe*, certain Powers are given and Provisions made for the Examination of Witnesses in *India* in the Cases therein mentioned: And whereas by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories, and otherwise*, further Provisions were made in relation to the Examination of Witnesses in all Colonies, Islands, Plantations, and Places under the Dominion of the Crown of *England* in Foreign Parts: And whereas it is expedient to extend to *Ireland* certain Provisions of the said Two last-mentioned recited Acts;'

13 G. 3. c. 63.

1 W. 4. c. 22.

Powers of the recited Acts extended to all Actions in the Courts at Dublin, when Examination by Commission shall appear necessary.

be it therefore enacted, That all and every the Powers, Authorities, Provisions, and Matters contained in the said recited Act of the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, relating to the Examination of Witnesses in *India*, shall be and the same are, with reference to all Actions in any of Her Majesty's Courts of Law at *Dublin*, hereby extended to all Colonies, Islands, Plantations, and Places under the Dominion of Her Majesty in Foreign Parts, and to the Judges of the several Courts therein, and to all Actions depending in any of Her Majesty's Courts of Law at *Dublin*, in what Place or County soever the Cause of Action may have arisen, and whether the same may have arisen within the Jurisdiction of the Court to the Judges whereof the Writ or Commission may be directed, or elsewhere, when it shall appear that the Examination of Witnesses under a Writ or Commission issued in pursuance of the Authority hereby given will be necessary or conducive to the due Administration of Justice in the Matter wherein such Writ shall be applied for.

Judges to whom the Commission is directed empowered to enforce the Attendance of Witnesses.

LXVII. And be it enacted, When any Writ or Commission shall issue under the Authority of the said last-mentioned Act and of this Act, or of the Power herein-before given by this Act, the Judge or Judges to whom the same shall be directed shall have the like Power to compel and enforce the Attendance and Examination of Witnesses as the Court whereof they are Judges does or may possess for that Purpose in Suits or Causes depending in such Court.

Costs of Writs to be in the Discretion of the Court.

LXVIII. And be it enacted, That the Costs of every Writ or Commission to be issued under the Authority of the said last-mentioned Act and of this Act, or of the Power herein-before given by this Act, in any Action at Law depending in either of the said Courts at *Dublin*, and of the Proceedings thereon, shall be in the Discretion of the Court issuing the same.

Courts at Dublin may order the Examination of Witnesses within their Jurisdiction by an Officer of the Court, or may order a Commission for that Purpose out of their Jurisdiction.

LXIX. And be it enacted, That it shall be lawful to and for each of the said Courts at *Dublin*, and the several Judges thereof, in every Action depending in such Court, upon the Application of any of the Parties to such Suit, to order the Examination on Oath, upon Interrogatories or otherwise, before the Prothonotary or Clerk of the Pleas respectively of the said Court, or other Person or Persons to be named in such Order, of any Witnesses within the Jurisdiction of the Court where the Action shall be depending, or to order a Commission to issue for the Examination of Witnesses on Oath at any Place or Places out of such Jurisdiction, by Interrogatories or otherwise, and by the same or any subsequent Order or Orders to give all such Directions touching the Time, Place, and Manner of such Examination, as well within the Jurisdiction of the Court wherein the Action shall be depending as without, and all other Matters and Circumstances connected with such Examinations as may appear reasonable and just.

Compelling Attendance of

LXX. And be it enacted, That when any Rule or Order shall be made for the Examination of Witnesses within the Jurisdiction

Jurisdiction of the Court wherein the Action shall be depending by Authority of this Act, it shall be lawful for the Court, or any Judge thereof, in and by the first Rule or Order to be made in the Matter, or any subsequent Rule or Order, to command the Attendance of any Person to be named in such Rule or Order for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Rule or Order, and to direct the Attendance of any such Person to be at his own Place of Abode or elsewhere, if necessary or convenient so to do; and the wilful Disobedience of any such Rule or Order shall be deemed a Contempt of Court, and Proceedings may be thereupon had by Attachment (the Judge's Order being made a Rule of Court before or at the Time of the Application for an Attachment), if, in addition to the Service of the Rule or Order, an Appointment of the Time and Place of Attendance in obedience thereto, signed by the Person or Persons appointed to take the Examination, or by One or more of such Persons, shall be also served together with or after the Service of such Rule or Order: Provided always, that every Person whose Attendance shall be so required shall be entitled to the like Conduct Money and Payment for Expences and Loss of Time as upon Attendance at a Trial: Provided also, that no Person shall be compelled to produce, under any such Rule or Order, any Writing or other Document that he would not be compellable to produce at a Trial of the Cause.

Witnesses, or
Production of
Documents.

Disobedience to
be deemed a
Contempt of
Court.

Payment of
Expences.

Proviso as to
Production of
Documents.

LXXI. And be it enacted, That it shall be lawful for any Sheriff, Gaoler, or other Officer having the Custody of any Prisoner, to take such Prisoner for Examination under the Authority of this Act, by virtue of a Writ of Habeas corpus to be issued for that Purpose, which Writ shall and may be issued by any Court or Judge under such Circumstances and in such Manner as such Court or Judge may now by Law issue the Writ commonly called a Writ of Habeas corpus ad testificandum.

Prisoners may
be removed by
Habeas corpus
for Examination.

LXXII. And be it enacted, That it shall be lawful for all and every Person authorized to take the Examination of Witnesses, by any Rule, Order, Writ, or Commission made or issued in pursuance of this Act, and he and they are hereby authorized and required, to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized, or by any Judge of the Court wherein the Action shall be depending; and if upon such Oath or Affirmation any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall and may be indicted and prosecuted for such Offence in the County wherein such Evidence shall be given, or in the County of *Dublin*, if the Evidence be given out of *Ireland*.

Examinations
of Witnesses to
be taken upon
Oath.

Persons giving
false Evidence
to be deemed
guilty of Per-
jury.

LXXIII. And be it enacted, That it shall and may be lawful for the Prothonotary, or any other Persons to be named in any

Persons ap-
pointed for
taking Exami-
nations to report,

to the Court upon the Conduct or Absence of Witnesses if necessary.

such Rule or Order as aforesaid for taking any Examination in pursuance thereof, and he and they are hereby required, to make, if need be, a special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of the Court.

Costs of the Order for Examination may be made Costs in the Cause.

LXXXIV. And be it enacted, That the Costs of every Rule or Order to be made for the Examination of Witnesses under any Commission or otherwise by virtue of this Act, and of the Proceedings thereupon, shall (except in the Case hereinbefore provided for) be Costs in the Cause, unless otherwise directed either by the Judge making such Rule or Order, or by the Judge before whom the Cause may be tried, or by the Court.

Restriction as to the reading of Examinations or Depositions without Consent of the Party.

LXXXV. And be it enacted, That no Examination or Deposition to be taken by virtue of this Act shall be read in Evidence at any Trial without the Consent of the Party against whom the same may be offered, unless it shall appear to the Satisfaction of the Judge that the Examinant or Deponent is beyond the Jurisdiction of the Court, or dead, or unable from permanent Sickness or other permanent Infirmary to attend the Trial; in all or any of which Cases the Examinations and Depositions, certified under the Hand of the Commissioners, Master, Prothonotary, or other Person taking the same, shall and may, without Proof of the Signature to such Certificate, be received and read in Evidence, saving all just Exceptions.

Further Powers granted for taking Affidavits under 9 G. 2. (I.) at the Foot of Memorials of Assignments of Judgments in Ireland.

LXXXVI. ' And whereas by an Act passed in the Parliament of Ireland in the Ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act for the more effectual assigning of Judgments, and for the more speedy Recovery of Rents by Distress*, it was thereby, amongst other things, enacted, that from and after the First Day of the then next *Easter Term*, where any Conuzee or Conuzees of a Judgment or Judgments, Statute Staple or Statute Merchant, his, her, or their Executors, should assign the same to any Person or Persons whatsoever, such Conuzee or Conuzees, his, her, or their Executors or Administrators, should also perfect a Memorial of such Assignment under his, her, or their Hand and Seal, upon Parchment or Vellum, attested by Two or more credible Witnesses, which Memorial should contain the Name or Names and Addition of the Person or Persons assigning such Judgment or Judgments, Statute Staple or Statute Merchant, the Name or Names of the Person or Persons to whom the same should be assigned, and the Sum or Sums of Money mentioned in such Assignment or Assignments to be remaining due and unsatisfied upon such Judgment or Judgments, Statute Staple or Statute Merchant, with the Day and Year when such Assignment or Assignments was or were perfected, and that One of the Witnesses to such Memorial,

‘ rial, who should be a Witness to the Assignment of such Judgment or Judgments, Statute Staple or Statute Merchant, should make an Affidavit at the Foot of such Memorial of the true Perfection of such Assignment and Memorial, before the respective Officer or Officers, where such Judgment or Judgments, Statute Staple or Statute Merchant, were or should be entered, his or their legal Deputy or Deputies, or before any One of the Judges of the Four Courts in *Dublin*, or before any One of the Judges of His Majesty’s Courts at *Westminster*, who were thereby respectively empowered to take such Affidavit or Affidavits: And whereas it is deemed expedient that further Facilities should be given for taking such Affidavits as aforesaid;’ be it enacted, That it shall be lawful for the said Judges of the Superior Courts of Law at *Dublin*, or any Eight or more of them as aforesaid, from Time to Time to appoint any Person or Persons as Commissioners for taking such Affidavits as aforesaid, and to revoke any such Appointment from Time to Time, and that such Persons so to be appointed, and until some such Appointment shall be made, the several Commissioners now or at any Time hereafter to be appointed by Her Majesty’s respective Courts of Law in *Ireland* for taking Affidavits in *England*, *Scotland*, or *Ireland*, shall and may and they are hereby respectively authorized and empowered within their respective Districts to take the Affidavit or Affidavits prescribed by the herein-before recited Act at Foot of the Memorial or Memorials of the Assignment of Judgments in *Ireland*, subject to such Rules or Direction as by the said Judges, or any Eight or more of them as aforesaid, shall from Time to Time be made in that Behalf; and such Affidavit or Affidavits so taken (being conformable in every respect to the Requisites prescribed by the said recited Act) shall have the same Force and Effect, and shall be received and enrolled in the respective Office or Offices where such Judgment or Judgments are or shall be entered.

LXXVII. And be it enacted, That this Act shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and all Powers given to or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and all Powers given to or Duties directed to be performed by the Court of Commissioners of Bankrupt may be performed by any One of the Commissioners of the same Court; and that whenever this Statute hath used Words importing the Singular Number or the Masculine Gender only, it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that this Act shall not extend to *Great Britain*, except where expressly mentioned.

Construction
of Act.

Persons making
false Oath or
Declaration
liable to the
Penalties of
Perjury.

LXXVIII. And be it enacted, That if any Prisoner or other Person taking an Oath under the Provisions of this Act shall wilfully forswear and perjure himself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, the Person so offending shall suffer such Punishment as may by Law be inflicted on Persons convicted of wilful and corrupt Perjury; and that in all Cases wherein by this Act an Oath is required the solemn Affirmation or Declaration of any Person being a Quaker, or other Person by Law allowed to affirm or declare, shall and may be accepted and taken in lieu thereof; and that every Person making such Affirmation or Declaration, who shall be convicted of wilful false Affirmation or Declaration, shall incur and suffer such and the same Penalties as are inflicted and imposed upon Persons convicted of wilful and corrupt Perjury.

Act may be
amended, &c.
Commence-
ment of Act.

LXXIX. And be it enacted, That this Act may be amended, altered, or repealed during this Session of Parliament.

LXXX. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *November* One thousand eight hundred and forty.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Memorandum to be subscribed to the Writ of Capias.

THIS Writ is to be executed within One Calendar Month from the Date thereof, including the Day of such Date, and not afterwards.

A Warning to the Defendant.

IF the Defendant, having given Bail on the Arrest, shall omit to put in Special Bail, as required, the Plaintiff may proceed against the Sheriff, or on the Bail Bond.

Endorsements to be made on the Writ.

BAIL for Pounds, by Order of [naming the Judge making the Order]. Dated this Day of .

This Writ was issued by E. F. of Attorney for the Plaintiff [or Plaintiffs] within named, who resides at .

Or,

This Writ was issued in Person by the Plaintiff within named, who resides at [mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be].

SCHEDULE (B.)

Name, &c. of the Person giving the Warrant of Attorney.	Name, &c. of Person for whom given.	Number.	Date of Execution.	Date of Filing.	Sums for which given.	Defeasance.
A.B. of Manufacturer.	C.D. of Merchant.	No. 1.	Jan. 1, 183 .	Jan. 10.	£1,000.	To secure £500 payable, &c.

CAP. CVI.

An Act for raising the Sum of Ten millions seven hundred fifty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty.

[10th August 1840.]

‘ Most Gracious Sovereign,
‘ WE, Your Majesty’s most dutiful and loyal Subjects,
‘ the Commons of the United Kingdom of *Great Britain*
‘ and *Ireland*, in Parliament assembled, towards raising the
‘ necessary Supplies which we have cheerfully granted to Your
‘ Majesty in this Session of Parliament, have resolved to give
‘ and grant unto Your Majesty the Sum herein-after men-
‘ tioned;’ and do therefore most humbly beseech Your Majesty
that it may be enacted; and be it enacted by the Queen’s
most Excellent Majesty, by and with the Advice and Consent
of the Lords Spiritual and Temporal, and Commons, in this
present Parliament assembled, and by the Authority of the
same, That it shall be lawful for the Commissioners of Her Ma-
jesty’s Treasury of the United Kingdom of *Great Britain* and
Ireland at any Time or Times to cause or direct any Number
of Exchequer Bills to be made out at the Receipt of the Exche-
quer at *Westminster* for any Sum or Sums of Money not ex-
ceeding in the whole the Sum of Ten millions seven hundred
fifty-one thousand five hundred and fifty Pounds, in the same
or like Manner, Form, and Order and according to the same

The Treasury
may raise
10,751,550*l.*,
by Exchequer
Bills in like
Manner as is
prescribed by
48 G. 3. c. 1.

or

or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills*.

The Clauses,
&c. in recited
Act extended
to this Act.

II. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

The Treasury
to apply the
Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain and Ireland* in this present Session of Parliament.

Bills to be pay-
able out of Sup-
plies of the next
Session.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of any Supplies to be granted in the next Session of Parliament.

Interest on Ex-
chequer Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of Her Majesty's Exchequer at *Westminster*.

Bills to be
current at the
Exchequer after
Twelve Calen-
dar Months
from their
Dates.

VI. And be it enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall and may, from and after Twelve Calendar Months from their respective Dates, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

Bank of Eng-
land may
advance
10,751,550*l.*
on the Credit of

VII. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum

or

or Sums of Money not exceeding in the whole the Sum of Ten millions seven hundred fifty-one thousand five hundred and fifty Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act to the contrary thereof in anywise notwithstanding.*

this Act, notwithstanding 5 & 6 W. & M. c. 20.

CAP. CVII.

An Act to continue and amend the Laws for the Relief of Insolvent Debtors in *Ireland*. *445/247*

[10th August 1840.]

‘ WHEREAS it is expedient to continue, for the Purposes herein-after mentioned, the Laws now in force for the Relief of Insolvent Debtors in *Ireland*, and to make further Provision for the Relief of Insolvent Debtors:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Powers vested in the Court now established for the Relief of Insolvent Debtors in *Ireland* shall be and the same are hereby continued and vested in the Court to be continued by virtue of this Act as herein-after provided, in so far as the same relate to or may be exercised in the Matters of the Petitions of any Persons who, before the Time appointed or the Commencement of this Act, shall have petitioned the said Court now established for Relief (under the Provisions of any Act or Acts for the Relief of Insolvent Debtors in *Ireland*), or of any Persons who have obtained their Discharge by virtue of any Act for the Relief of Insolvent Debtors in *Ireland*; and that all Things shall and may be done by all Persons, relating to the Matters of all such Petitions, which such Persons might have done if the Laws now in force with respect to Insolvent Debtors in *Ireland* had been continued by this Act.

Powers now vested in the Court for Relief of Insolvent Debtors continued for the Purposes herein mentioned.

II. And be it enacted, That the Court now established for the Relief of Insolvent Debtors in *Ireland* shall be continued, and that the present Two Commissioners of the said Court shall continue to be the Commissioners of the Court so hereby continued, and to preside therein; and that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and from Time to Time, upon any Vacancy in any of the said Offices of Commissioner, by Death or otherwise, to appoint other fit Persons, being Barristers at Law of Ten Years standing at the least, and who shall have actually

Court now established, and Commissioners and Officers, to be continued.

actually practised Ten Years, and who shall not at the Time of their respective Appointment to such Office have retired from Practice in Her Majesty's Courts of Law in *Dublin* for more than Two Years, to be such Commissioners, and to preside in the said Court accordingly; and that the present Chief Clerk, Provisional Assignee, and other Officers of the said Court shall continue to be the Chief Clerk, Provisional Assignee, and other Officers of the Court so hereby continued; and that it shall be lawful for the said Court from Time to Time, upon any Vacancy in any of the said Offices, by Death or otherwise, to appoint other fit Persons to be Chief Clerk, Provisional Assignee, and other Officers, and also to determine from Time to Time, as Occasion may require, the particular Duties to be performed respectively by all the several Officers hereby continued or hereafter to be appointed as aforesaid; and that the Court so hereby continued as aforesaid shall at all Times have Power to appoint such Officers as the Lord Chancellor and the Lords Chief Justices of the Queen's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer in *Ireland*, shall judge to be necessary, and in such Manner as they shall direct.

Commissioners
to hold their
Offices during
good Behaviour;

III. And be it enacted, That the Commissions of the said Commissioners of the said Court hereby continued in their Offices, or hereafter to be appointed as aforesaid, shall be continued and remain in full Force during their good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or of any of Her Heirs or Successors.

but may be
removed upon
Address.

IV. Provided always, and be it enacted, That it may be lawful for Her Majesty, Her Heirs and Successors, to remove any such Commissioner of the said Court upon the Address of both Houses of Parliament.

Salaries of
Commissioners
to be the Salaries
now payable.

V. And be it enacted, That there shall be paid to the said Commissioners hereby continued or hereafter to be appointed as aforesaid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at the Receipt of Her Majesty's Exchequer in *Ireland*, such yearly Salaries or Sums of Money as the said Commissioners hereby continued are now by Law entitled to receive as such Commissioners of the said Court hereby continued, the same to be paid upon the same Days and in like Manner as is now by Law provided in that Behalf.

Court to be a
Court of Record.
Seal of the
Court.

VI. And be it enacted, That the said Court for the Relief of Insolvent Debtors in *Ireland* shall be a Court of Record for the Purposes of this Act, and shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are herein-after expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the said Court shall at any Time direct; and that the said Court, or any Commissioner thereof acting under the Powers of this Act, may adjourn any Sitting of the said Court or Commissioner as may be requisite, and may administer Oaths and examine all Parties and Witnesses upon Oath for the Purposes of this Act, and shall have such like and the same Powers of compelling the Attendance of Witnesses,

Powers of
Court and
Commissioners.

nesses, both before the said Court and before any Commissioner thereof acting as aforesaid, and before an Officer of the Court, or as herein-after mentioned, and of requiring and compelling the Production of Books and Writings as are now possessed by any of the Superior Courts in *Dublin*; and to order any Prisoner whose Estate shall, by an Order to be made under this Act as herein-after mentioned, have been vested in the Provisional Assignee of the said Court, or any Prisoner, who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Commissioner, or Officer acting under any Order of the said Court or Commissioner, as often as shall be requisite; and that the said Court, or any Commissioner thereof acting as aforesaid, shall have the Power of committing all Persons guilty of any Contempt of the said Court to the Prison of the Marshalsea of the Four Courts, *Dublin*, or to Her Majesty's Prison of *Kilmainham*, or to the Common Gaol of any County in which such Person shall be or shall usually reside; and that the said Court, or any Commissioner thereof, shall have the Power of fining in a summary Way, or suspending or removing, any of the Officers of the said Court who shall be guilty of any Negligence, wilful or unnecessary Delay, or other Misconduct whatsoever: Provided always, that the said Court, or any Commissioner thereof, shall not have the Power of awarding Costs against any Person or Persons whomsoever, except in such Cases only where such Costs are herein-after expressly mentioned and permitted to be awarded by this Act; and that nothing herein contained shall extend to the compelling the Attendance of any Witness unless the Party on whose Behalf such Witness shall be required to attend shall have previously tendered to such Witness such Allowance for Expences for his Attendance as in the Judgment of the said Court, or of a Commissioner thereof, shall appear to be reasonable.

VII. And be it enacted, That all Proceedings and Matters to be heard by the said Court for the Relief of Insolvent Debtors shall be heard and determined by the said Court, at the Court House of the said Court on *Lower Ormond Quay, Dublin*, unless the said Court shall at any Time see cause to appoint its Sittings in any other Place, and shall appoint the same accordingly, which it is hereby empowered to do; and that the said Court shall sit for the Despatch of Business from Day to Day, *Sundays, Christmas Day, and Good Friday* only excepted, so long as any Part of the Business of the said Court shall be ready, and as the said Court shall find such Sitting necessary for the due Despatch of the Business of the said Court, and save as herein-after otherwise provided: Provided nevertheless, that during the Period between the last Day of *Trinity Term* and the First Day of *November* in every Year the said Court shall have full Power and Authority to regulate and appoint the Sittings of the said Court at such Times as to the said Court shall appear fit and necessary for the Despatch of Business and the due Administration of Justice in the said Court; provided that the said

Court to sit at the Court House on Lower Ormond Quay, Dublin, and elsewhere if necessary.

Court

Court shall not be adjourned, at any Time during the said Period, for more than Two Calendar Months at any One Time.

Commissioners
to make Cir-
cuits.

Power of Com-
missioner on
Circuit.

VIII. And be it enacted, That the said Commissioners shall from Time to Time severally make Circuits, and give their Attendance at the several Assize or other Towns or Places at which any Prisoner or Prisoners shall be ordered to appear as herein-after provided; and that upon such Prisoner's Appearance before such Commissioner on his Circuit it shall be lawful for such Commissioner to make all such Orders, and to give all such Directions, and to do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner and his Schedule, and his Creditors and Assignees, as the said Court for the Relief of Insolvent Debtors may make, give, or do in the Matters of Petitions heard by the said Court according to this Act; and that in each and every Matter to be heard and inquired into by such Commissioner according to the Provisions of this Act such Commissioner shall have the same Power as the said Court would have therein if the same were heard and inquired into by the said Court; and that all Judgments, Rules, Orders, Directions, and Proceedings pronounced, made, and done in all and every the Matters aforesaid by such Commissioner shall be transmitted to the said Court, signed by such Commissioner, to be a Record of the said Court, and to be kept as such among the Records thereof.

Time and Man-
ner of making
Circuits.

IX. And be it enacted, That the said Circuits shall be made Three Times in each Year if requisite, and that the Time and Manner of making the same, and the Officers necessary to attend the Commissioners thereupon, shall be regulated in such Manner as shall be appointed by the Commissioners of the said Court, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to direct that such Sum or Sums shall be paid as may appear fit and necessary for the defraying the Travelling Expences of such Commissioners and Officers in execution of their Duties under this Act; and that during the said Circuits One of the said Commissioners shall be attendant and presiding in the said Court in *Dublin*, unless the said Court shall have been adjourned to some future Time: Provided always, that if on any particular Occasion the said Commissioners, or one of them in the Absence of the other, shall be of opinion that it would be expedient that both the said Commissioners should be absent from the said Court on Circuits in different Places at the same Time, it shall be lawful for such Commissioners to state such Opinion, together with the Grounds and Reasons thereof, in Writing, to the Chief or Under Secretary at the Castle of *Dublin* for the Information of the Lord Lieutenant or other Chief Governor or Governors as aforesaid; and thereupon, if such Lord Lieutenant or other Chief Governor or Governors shall approve thereof, and such Approval shall be notified in

Travelling Ex-
pences to be
paid.

One Commis-
sioner to re-
main in *Dublin*.

Both Commis-
sioners may be
on Circuit if
necessary.

Writing

Writing to such Commissioners by such Chief or Under Secretary, it shall be lawful for both the said Commissioners to be so absent from the said Court as aforesaid at the same Time, in such Places respectively as shall be so stated and approved, and for that Purpose to adjourn the said Court for such Time as shall be approved in and by such Notification.

X. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall cause Notice of the Time and Place or Places of the Attendance of the said Commissioner in each Assize Town, according to this Act, to be given in the *Dublin Gazette*, and in some public Journal or Newspaper circulated in the County wherein such Town is situate, once in each of the Two Weeks immediately preceding the Time appointed for such Attendance; and that if on any Day to which such Court in *Dublin* shall be adjourned as aforesaid, or shall be appointed for the Attendance of a Commissioner of the said Court on his Circuit, such Commissioner shall be, by Death, Sickness, or other Casualty, or by any reasonable Cause, prevented from attending at the Court House or other Place, pursuant to such Adjournment or Appointment, then and in every such Case the Court to be held by such Commissioners or Commissioner shall be considered as adjourned to the ensuing Day, not being a *Sunday, Christmas Day, or Good Friday*; and if the ensuing Day should be a *Sunday, Christmas Day, or Good Friday*, then to the next following Day, and so on from Day to Day until One of the said Commissioners shall give his Attendance; and that all Persons summoned or bound or having Occasion to attend such Court shall thereupon be bound to attend the same according to every such Adjournment, in the same Manner in all respects as if the said Commissioner had regularly sat, and so adjourned the said Court; and that when such Commissioner, or some other Person appointed to act in his Room and Stead as herein-after provided, shall so give his Attendance, he shall proceed to despatch the Business of the said Court in the same Manner in all respects as if such Commissioner had regularly sat, and had himself made such Adjournment or Adjournments of the same; and that such Commissioner (or in case of his Death or Sickness One of the Registrars of the said Court) shall thereupon, without Delay, state in Writing the Reason or Cause which prevented his Attendance on the Day appointed for such Attendance, and shall subscribe such Statement, and shall send the same forthwith by Her Majesty's Post to the said Chief or Under Secretary, to be laid before the Lord Lieutenant or other Chief Governor or Governors as aforesaid.

Notice to be given of the Attendance of Commissioners in the Assize Towns.

Adjournment of the Court.

Cause of Non-attendance to be signified to the Chief or Under Secretary.

In case of Illness of a Commissioner another Person may be appointed to execute the Duties.

XI. Provided also, and be it enacted, That if either of the said Commissioners shall, from Sickness or other reasonable Cause, have occasion to be absent from the Business of the said Court, further or otherwise than as aforesaid, then and in every such Case it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to appoint a Person, being a Barrister at Law of Ten Years standing at the least, to perform the Duties of such Commissioner

sioner during such Absence; and every such Person so appointed to perform the Duty of such Commissioner as aforesaid shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Commissioner under this Act; and every such Person who shall be so appointed to act during the Absence of such Commissioner as aforesaid shall receive from the said Consolidated Fund such Proportion, and no more, of the Salary of such Commissioner for and during the Period of his Service as shall be directed in and by the Warrant under which he shall be so appointed, and the Residue only of such Salary shall for such Period be payable to such Commissioner.

No Fees to be taken by the Commissioners; nor by any Officer except the Chief Clerk, who is to be paid 5s. for every Petition.

XII. And be it enacted, That the said Commissioners shall not receive or be entitled to receive, in the said Court for the Relief of Insolvent Debtors, or otherwise as such Commissioners, any Fee or Fees of any Nature or Kind whatsoever, nor shall any Fee or Fees be receivable by any of the Officers of such Court except by the Chief Clerk thereof, who is hereby empowered to receive, and shall be entitled to demand and receive, from every Prisoner who may seek to be discharged by the said Commissioners under the Provisions of this Act, the Sum of Five Shillings *British*, and no more, the same to be payable upon the presenting the Petition of such Insolvent, and also such Fees for Copies as are hereafter expressly allowed.

Expences of the Court for Coals, Candles, Stationery, and Travelling Charges to be paid out of the Consolidated Fund.

XIII. And for making Provision to defray the Expences of Coals, Candles, and Stationery which may be consumed during the Sittings of the said Court established by this Act, and to defray the Travelling Charges of such Clerks and Officers as may be necessary to accompany the said Commissioners, or either of them, in their said Circuit, be it enacted, That the said Expences of Coals, Candles, Stationery, and Travelling Charges shall be in like Manner defrayed and paid and payable out of the said Consolidated Fund, upon the several quarterly Days following; namely, on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in each and every Year; provided that the Accounts thereof shall be first certified by the Chief Clerk of the said Court, and fiated by the said Commissioners, or One of them, and thereupon the same shall be paid at the Receipt of Her Majesty's Exchequer in *Ireland*, to the Order of the said Commissioners, or One of them, in that Behalf.

Court House to be provided.

XIV. And be it enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to order that now, and at all other Times when he or they shall think proper or necessary, a suitable and sufficient Court House, with suitable and sufficient Offices for the Purposes aforesaid respectively, shall be provided and maintained in good and sufficient Order and Repair, and that for that Purpose such Ground shall be procured or purchased, and such Court House and Offices erected thereon, or such Building or Buildings as may be necessary for such Court

House

House and Offices shall be taken at a Rent or Rents, and Repairs, Alterations, and Additions shall be made therein respectively, according to such Plans, Estimates, and Contracts as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall direct.

XV. And be it enacted, That all and every Sum and Sums of Money which shall from Time to Time be required and be necessary for the Purchase of such Ground and erecting Buildings thereon, or for the Rent or Rents of any such Building, or for such Alteration, Addition, or Repairs, shall from Time to Time be paid out of the Consolidated Fund, by or under the Orders and Directions of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Defraying Expenses of Court House.

XVI. And be it enacted, That any Office Copy of any Record, Proceeding, or Instrument of or in the said Court shall be attested by the Chief Clerk thereof, or his Deputy, who shall be and be deemed the proper Officer in that Behalf; and that for providing and attesting any such Office Copy such Clerk shall be entitled to receive Two-pence for every Sheet therein, every such Sheet to contain Seventy-two Words, and no more, unless the same shall be the last or only Sheet thereof, in which Case such last or only Sheet may contain any Number of Words not exceeding Seventy-two Words.

Office Copies of Records to be attested.

Fee for such Copies.

XVII. And be it enacted, That on the Taxation of Costs in the said Court the proper Officer in that Behalf, and in every Matter of Inquiry duly referred by the said Court to any Officer or Officers thereof, any such Officers shall have full Power to administer Oaths and to examine all Persons concerned, or who shall come or be produced before him, on Oath, concerning the Matter of such Taxation or Inquiry respectively; and it shall and may be lawful to and for such Court to order and enforce the Attendance of Witnesses, and Production of Books, Papers, Documents, and Vouchers before such Officer on such Taxation and Inquiries respectively, in the same Manner in all respects as such Court could or might order or enforce the same on any Inquiry or Trial before the said Court.

Officers, on Inquiries directed by the Court, to administer Oaths.

Court may enforce the Attendance of Witnesses, &c.

XVIII. And be it enacted, That from and after the Time appointed for the Commencement of this Act it shall be lawful for any Person who shall be in actual Custody within the Walls of any Prison in that Part of the United Kingdom called *Ireland*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, Sum or Sums of Money, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of any Sum or Sums of Money, or of Costs taxed or untaxed, either ordered to be paid or to the Payment of which such Person would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, at any Time within the Space of Fourteen Days next after the Commencement of the actual Custody of such Prisoner, whether such Commencement shall have been in the same Prison, or in any other Prison, or the Rules or Liberties of any Prison, or afterwards, if the said Court shall in any Case think reason-

Persons imprisoned for Debt may apply to the Court in a summary Way for Discharge.

Time of petitioning.

What shall be
stated in the
Petition.

able to permit the same, to apply by Petition in a summary Way to the said Court for the Relief of Insolvent Debtors for his Discharge from such Custody according to the Provisions of this Act; and in such Petition shall be stated the Time and Place of the first Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined; and if such Prisoner shall not have been in the same Custody from the Time of such first Arrest, then the Means and Manner by which the Change of Custody of such Prisoner has taken place, and also the Name or Names of the Person or Persons at whose Suit or Prosecution such Prisoner shall, at the Time of presenting such Petition, be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained; and such Prisoner shall, in such Petition, state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Provisional Assignee for the Time being of the said Court according to the Provisions of this Act, and shall pray to be discharged from Custody, and to have future Liberty of his Person against the Demands for which such Prisoner shall be then in Custody, and against the Demands of all other Persons who shall be or claim to be Creditors of such Prisoner at the Time of presenting such Petition, which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court.

Petition to be
signed and filed.

Detaining
Creditors of
Prisoners in
Execution may
apply by Peti-
tion to Insolvent
Debtors Court
for an Order to
vest Debtors
Estates in Pro-
visional Assign-
ee of Court.

XIX. And be it enacted, That if any Prisoner who, at the Time appointed for the Commencement of this Act, shall have been committed to any Prison or Gaol, and charged in Execution for any Debt, Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of any Sum or Sums of Money, or of Costs, taxed or untaxed, either ordered to be paid, or to the Payment of which such Prisoner would be liable in purging such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after the Time appointed for the Commencement of this Act, make satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for the Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, or if any Prisoner who, after the Time appointed for the Commencement of this Act, shall be committed to any Prison or Gaol, and charged in Execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any such Contempt as aforesaid, shall not, within Twenty-one Days next after such Prisoner shall be so committed or charged in Execution as aforesaid, make satisfaction

faction to the Creditor or Creditors at whose Suit such Prisoner shall have been so committed or charged in Execution for such Debt, Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to apply by Petition in a summary Way to the said Court for the Relief of Insolvent Debtors for an Order vesting the Real and Personal Estate and Effects of such Prisoner in the Provisional Assignee for the Time being of the said Court, according to the Provisions of this Act; and such Petition shall be signed by the Party or Parties so applying, and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or charged in Execution; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the said Court shall think fit to require; and the Party or Parties presenting such Petition shall thereby state that he or they is or are desirous that such Prisoner should be ordered to file a Schedule of his Property according to the Provisions of this Act, and should thereupon be brought up before the said Court, to be dealt with according to the Provisions of this Act; and such Petition, and the Evidence in support thereof, shall forthwith be filed in the said Court; and for the filing of which Petition the said Chief Clerk shall receive and be entitled to demand and receive from such Petitioner presenting such Petition the Sum of Five Shillings *British*, and no more; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto, as in other Cases according to this Act.

XX. And be it enacted, That upon the filing of such Petition by such Prisoner, or on the filing of such Petition by such Creditor or Creditors as aforesaid, and the Evidence in support thereof, as the Case may be, it shall be lawful for the said Court for the Relief of Insolvent Debtors, and such Court is hereby authorized and required, to order that all the Real and Personal Estate and Effects of such Prisoner, both within this Realm and abroad (except the Wearing Apparel, Bedding, and other Necessaries of such Prisoner and his Family, and the Working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Fifteen Pounds), and all the future Estate, Right, Title, Interest, and Trust of such Prisoner in or to any Real and Personal Estate and Effects within this Realm or abroad, which such Prisoner may purchase, or which may revert, descend, be devised or bequeathed, or come

Prisoner's Estate and Effects, except Wearing Apparel, &c. not exceeding 15*l.*, and future Estate, to be vested in Provisional Assignee by Order of the Court.

to him before he shall become entitled to his final Discharge in pursuance of this Act, according to the Adjudication made in that Behalf, or in case such Prisoner shall obtain his full Discharge from Custody without any Adjudication being made by the said Court, then before such Prisoner shall be so fully discharged from Custody, and all Debts due or growing due to such Prisoner, or to be due to him or her before such Discharge as aforesaid, shall be vested in the Provisional Assignee for the Time being of the said Court, and such Order shall be entered of Record in the same Court, and such Notice thereof shall be published as the said Court shall direct; and such Order, when so made, shall, without any Conveyance or Assignment, vest all the Real and Personal Estate and Effects of such Prisoner, and all such future Real and Personal Estate and Effects as aforesaid, of every Nature and Kind whatsoever, and all such Debts as aforesaid, in the said Provisional Assignee: Provided always, that in case the Petition of any such Prisoner shall be dismissed by the said Court (which the said Court is hereby empowered to dismiss wherever it shall seem fit), such vesting Order made in pursuance of such Petition shall, from and after such Dismission, be null and void to all Intents and Purposes: Provided also, that in case any such vesting Order as aforesaid shall become null and void by the Dismission of the Prisoner's Petition, all the Acts theretofore done by the said Provisional Assignee, or any Person or Persons acting under his Authority, according to the Provisions of this Act, shall be good and valid; and no Action or Suit shall be commenced against such Provisional Assignee, nor against any Person duly acting under his Authority, except to recover any Property, Estate, Money, or Effects of such Prisoner detained, after an Order made by the said Court for the Delivery thereof and Demand made thereupon, but not sooner: Provided also, that when such vesting Order shall have been made on the Petition of a Creditor as aforesaid, it shall be lawful for the said Court, if it shall seem just and right, but not without Proof made to the Satisfaction of the said Court of the Consent of the Petitioning Creditor, to make Order declaring such vesting Order to be null and void, and the same shall thereupon be null and void, to all Intents and Purposes: Provided always, that where in any Case by Leave of the said Court any Amendment shall be made in any such Petition, or an amended Petition shall be filed as of the Date of the original Petition (which the said Court is hereby empowered to do and authorize, without dismissing such original Petition), such vesting Order shall not thereby be affected, but shall stand good to all Intents and Purposes, notwithstanding such Amendment or amended Petition so filed as aforesaid.

Prisoners within the Walls only to petition, except in certain Cases.

XXI. And be it enacted, That no Prisoner shall upon his own Petition be entitled to the Benefit of this Act who shall not be at the Time of filing his Petition, and during all the Proceedings thereon, in actual Custody within the Walls of the Prison, without any Intermission of such Imprisonment by
Leave

Leave of any Court or otherwise: Provided always, that if after any such Prisoner shall have obtained an Order to be brought up in order to be dealt with according to the Provisions of this Act, it shall appear to the Satisfaction of the said Court, by the Oath or Affidavit of a Physician, Surgeon, or Apothecary, and such other Evidence as the Court may require, that such Prisoner cannot continue to reside within the Walls of any such Prison without serious Injury to the Health of such Prisoner, or that for the sake of the Health of the Prisoners in general it is necessary that the Number thereof within the Walls of any such Prison should be reduced, it shall be lawful for the said Court to dispense with such actual Custody of any such Prisoner within the Walls as is hereinbefore mentioned: Provided always, that if any such Prisoner, having obtained such Dispensation, shall go beyond the Rules and Liberties in which he shall in pursuance thereof be confined, such Prisoner shall thereby be deprived of all Benefit of this Act: Provided also, that after any Order shall have been made under this Act, directing any Insolvent to be brought up in order to be dealt with according to the Provisions of this Act, it shall be lawful for the said Court for the Relief of Insolvent Debtors, if such Court shall think fit to do so, and on such Notice to the detaining Creditor or Creditors of such Insolvent as the said Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding Two sufficient Sureties to enter into a Recognizance to the Provisional Assignee of the said Court, in such Sum as the said Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the said Court or a Commissioner thereof on his Circuit, and on such other Terms (if any) as the said Court shall think fit to impose, and to issue a Warrant directed to the Gaoler ordering the Discharge of such Insolvent from Custody accordingly; and that after such Discharge such Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-after mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the said Court shall by Endorsement on such Order from Time to Time appoint: Provided always nevertheless, that in case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing of such Insolvent (not being prevented by Illness or other lawful Impediment to be allowed of by the said Court), the Recognizance so entered into shall be forfeited, and the Amount secured thereby shall be recoverable in a summary Way by a Distress and Sale of the Goods and Chattels of such Sureties as the said Court shall by their Order direct; and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent in like

Power to Insolvent Debtors Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing.

Manner as if the same were Part of his Estate and Effects; and the said Court may also issue a Warrant, authorizing any Person or Persons to be therein named to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Keeper in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Keeper is hereby required to receive such Prisoner again into his Custody; and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the said Court or Commissioner, be deemed and considered for all the Purposes of this Act in the Custody in which he was at the Time he was so discharged.

Commissioners
may empower
Persons in the
Assize Towns
to receive Re-
cognizances.

XXII. 'And whereas it is expedient that Persons residing in any Place other than the County of *Dublin*, or the County of the City of *Dublin*, who may be willing to enter into Recognizances of Sureties for the due Appearance of Insolvent Debtors before the said Court, should be enabled to enter into such Recognizances without the Necessity of appearing for such Purpose before the Court itself at its usual and ordinary Place of sitting;' be it therefore enacted, That the Commissioners of the said Court for the Time being shall and may, by One or more Commission or Commissions under the Seal of the said Court, from Time to Time as Occasion shall require, empower such and so many fit and proper Persons as they shall think necessary, in all and every the Assize Towns aforesaid, to take and receive all and every the Recognizance or Recognizances of Sureties into which any Persons may be willing to enter for the due Appearance of Insolvent Debtors, according to such several and respective Recognizances, and in such Form as the Court, in pursuance of this Act, shall and may direct and require.

Persons resid-
ing out of Dub-
lin may enter
into Recogni-
zances.

XXIII. And be it enacted, That in any Case of a Prisoner whose Estate and Effects shall be by Order of the said Court vested in the Provisional or other Assignee, and who shall be confined in the Gaol of any County, Town, or Place, other than the County of *Dublin* or the County of the City of *Dublin*, and who shall have filed his Schedule in the said Court according to the Provisions of this Act, it shall and may be lawful for any Person or Persons who may be willing to enter into such Recognizances as aforesaid, whose usual and ordinary Place of Residence shall be elsewhere than in the County of *Dublin* or the County of the City of *Dublin* aforesaid, to appear before a Person duly appointed and empowered in manner aforesaid, and there to enter into and acknowledge such Recognizance of Sureties for the due Appearance of such Insolvent according to such Forms and in such Terms and Manner as shall or may be prescribed by the said Court, which said Recognizances of Sureties so taken as aforesaid shall be transmitted, and filed in the said Court, with an Affidavit of the due taking of the said Recognizances

Recognizances of such Sureties by some credible Person present at the taking thereof, which Recognizances, so taken, transmitted, and filed, shall be of the like Force and Effect as if the same were taken before the said Court.

XXIV. And be it enacted, That the said Court shall make such Rules and Orders regulating the Amount and for the taking of such Recognizances as to them shall seem meet, so as such Sureties be not compelled to appear in Person in the said Court to justify themselves, but the same may and is hereby directed to be determined before the said Court, or a Commissioner thereof, by Affidavit or Affidavits duly taken before the Person or Persons so empowered as aforesaid, who are hereby empowered and required to take the same.

Court to regulate the Amount of such Recognizances.

XXV. And be it enacted, That a Commissioner of the said Court, on his Circuits, shall and may take and receive every such Recognizance of Sureties as any Person or Persons shall be willing to make or acknowledge before him, which, being transmitted, shall, without Oath, be filed in manner aforesaid.

Commissioner on Circuit may receive such Recognizances.

XXVI. And be it enacted, That as soon as such Sureties shall have justified in manner aforesaid, and such Recognizances as herein-before mentioned shall have been filed, the said Court shall thereupon issue a Warrant to the Gaoler for the Discharge of such Insolvent from Custody accordingly, and who shall have such and the like Privileges, and be subject to such and the like Liabilities, as is herein-before provided with respect to any Insolvent Debtor who shall enter into a Recognizance to the Provisional Assignee of the said Court as aforesaid.

When Sureties justified, &c. Court may order Discharge of Insolvent.

XXVII. And be it enacted, That the filing of the Petition of every Person in actual Custody who shall be subject to the Laws concerning Bankrupts, and who shall apply by Petition to the said Court for his Discharge from Custody according to this Act, shall be accounted and adjudged an Act of Bankruptcy from the Time of filing such Petition; and that any Commission of Bankruptcy issuing against such Person, and under which he shall be declared bankrupt before the Time appointed by the said Court and advertised in the *Dublin Gazette* for such Prisoner to be brought up to be dealt with according to this Act, or at any Time within Two Calendar Months from the Time of making any such vesting Order as aforesaid, whether upon the Petition of such Prisoner or the Petition of any such Creditor as aforesaid, shall have the Effect of divesting the said Real and Personal Estate and Effects of such Person out of the said Provisional Assignee: Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy, unless such Person be so declared bankrupt before the Time so advertised as aforesaid, or within such Two Calendar Months as aforesaid, but that every such Order as aforesaid shall be good and valid notwithstanding any Commission of Bankruptcy under which such Person shall be declared bankrupt after the Time so advertised as aforesaid, and after the Expiration of such Two Calendar Months as aforesaid.

Filing Petition an Act of Bankruptcy, if acted upon within a certain Time; in which Case the Order avoided.

Order to be filed, although avoided by Commission of Bankruptcy;

and Court shall proceed to hear and adjudicate, as in other Cases.

If Insolvent obtains his Certificate, the Rights of Assignees afterwards to be the same as in other Cases.

Not to affect Title of Assignees of Bankrupt, or Operation of Certificate.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.

Provisional Assignee to take possession of Estates, &c. vested in him, and sell the same if the Court directs;

XXVIII. Provided always, and be it enacted, That where the Order vesting the Estate and Effects of any such Prisoner in the Provisional Assignee of the said Court, in pursuance of the Provisions of this Act, shall be or become void by reason of such Prisoner being declared bankrupt within such Period as above mentioned, or being an uncertified Bankrupt at the Time of such Order, the said Order shall nevertheless, together with the Petition of such Prisoner (if any), remain of Record in the said Court; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and the said Court shall and may, at any Time when it shall seem fit, appoint other Assignee or Assignees in such Case in the same Manner as in other Cases; and that if at any Time after such vesting Order shall have been made such Prisoner shall obtain his Certificate under any such Commission of Bankruptcy, the Rights, Powers, Title, and Interest of the Provisional Assignee and other Assignee or Assignees appointed under this Act, over and respecting any Property, Real or Personal, whatsoever, remaining to such Prisoner after the obtaining of such Certificate, or thereafter in any way coming to him, and under and in pursuance of the Warrant of Attorney to be executed by such Prisoner under the Provisions of this Act, shall from and after the obtaining of such Certificate be the same as if the vesting Order made under this Act had been valid at the Time of the making thereof: Provided always, that nothing herein contained shall be construed to affect the Title, Rights, and Interests of the Assignees under any such Commission of Bankruptcy, or to alter or diminish the Effect of any such Certificate as aforesaid, but that the Title, Rights, and Interests of such last-mentioned Assignees, and the Benefit of such Certificate to such Prisoner, shall be the same to all Intents and Purposes as if this Act had not been made.

XXIX. And be it enacted, That no Prisoner whose Estate shall by an Order under this Act have been vested in the said Provisional Assignee shall, after the making of such Order, be discharged out of Custody as to any Action, Suit, or Process for or concerning any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Non-pros, or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, or Process proceeding therein.

XXX. And be it enacted, That it shall be lawful for the Provisional Assignee or any Officer of the said Court, or other Person or Persons appointed for that Purpose (if the said Court shall so order), to take possession of all the Real and Personal Estate and Effects of every such Prisoner vested in such Provisional Assignee by virtue of any such Order as aforesaid, and,

and, if the said Court shall so order, to sell or otherwise dispose of such Goods, Chattels, and Personal Estate, or any Part thereof, and of the Real Estate of such Prisoner, according to the Provisions herein-after made with regard to the Sale of such Real Estate; and out of the Proceeds of such Real and Personal Estate to defray, in the first place, all such Costs and Expences of taking possession, or of seizing and selling the same, as shall be allowed by the said Court, and to account for the Produce of such Sale or Disposition to the said Court; and it shall be lawful for the said Provisional Assignee to sue in his own Name, if the said Court shall so order, for the recovering, obtaining, and enforcing of any Estates, Debts, Effects, or Rights of any such Prisoner; and all and every the Real and Personal Estate, Money, and Effects vested in or possessed by such Provisional Assignee by virtue of such Order as aforesaid shall not remain in him if he shall resign or be removed from his Office, nor in his Heirs, Executors, or Administrators in case of his Death, but shall in every such Case go to and be vested in his Successor in Office appointed by the said Court as aforesaid.

paying the Expences, &c.

to sue in his own Name, &c.

Property vested in him to go to his Successor in Office.

XXXI. And be it enacted, That the said Court for the Relief of Insolvent Debtors may order and direct such Provisional Assignee as aforesaid, or such Assignee or Assignees as are herein-after mentioned, to pay to any such Prisoner out of his or her Estate and Effects such Allowance for his or her Support and Maintenance during such Prisoner's Imprisonment, and previous to the Adjudication in the Matter of his Petition, or for the Expence of making out and filing his Schedule, as to the said Court shall seem reasonable and fit.

Court may order Allowance to Prisoner during his Confinement, or for Expence of Schedule.

XXXII. Provided always, and be it enacted, That in case any Prisoner as to whose Estate and Effects any such vesting Order as aforesaid shall have been made shall, by the Consent or Default of his detaining Creditor or Creditors, be discharged out of Custody without any Adjudication being made in that Behalf by the said Court for the Relief of Insolvent Debtors, all the Acts done before such Discharge by the said Provisional Assignee or other Assignee or Assignees appointed as herein-after provided, or other Person or Persons acting under his or their Authority, or the Authority of the said Court, according to the Provisions of this Act, shall be good and valid; and that in such Case, or in case such vesting Order as aforesaid shall be avoided by any Commission of Bankruptcy thereafter issuing against such Prisoner as herein-before provided, no Action or Suit shall be commenced against such Provisional Assignee, or against any Assignee or Assignees appointed under this Act, nor against any Person duly acting under his or their Authority or the Authority of the said Court, except to recover any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon.

Where Prisoner is discharged out of Custody, Acts of Assignees to be valid.

No Action to be brought against them where Assignment is avoided.

XXXIII. And be it enacted, That it shall be lawful for the said Court for the Relief of Insolvent Debtors, at any Time after

Power of Insolvent Debtors Court to appoint Assignees.

after the making any such vesting Order as aforesaid as to the same Court shall seem expedient, to appoint any proper Person or Persons to be Assignee or Assignees of the Estate and Effects of such Prisoner for the Purposes of this Act; and when such Assignee or Assignees shall have signified to the said Court his or their Acceptance of the said Appointment, the Estate, Effects, Rights, and Powers of such Prisoner vested in such Provisional Assignee as aforesaid shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment, vest in the said Assignee or Assignees, in Trust for the Benefit of the Creditors of such Prisoner in respect of or in proportion to their respective Debts, according to the Provisions of this Act; and such Appointment shall, after every such Acceptance thereof, be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct; and every Person so appointed Assignee shall be deemed to be an Officer of the said Court, and shall be liable as such to the Control thereof: Provided always, that it shall be lawful for the said Court to direct any Fee or Remuneration for the Performance of Duties in getting in and distributing the Estate of any Insolvent Debtor, whether by any Assignee or by the Provisional Assignee, in case of such Distribution being effected without the Appointment of any other Assignee, which shall not exceed the Rate of Five *per Centum* on the Sum received as Produce of such Estate.

Certified Copy
of Order and
Appointment to
be Evidence.

XXXIV. And be it enacted, That a Copy of any Order under this Act vesting the Estate and Effects of any Prisoner in the Provisional Assignee of the said Court, or of the Appointment under the Provision last herein-before contained of an Assignee or Assignees of such Estate and Effects, such Copy being made upon Parchment, and purporting to have the Certificate of the Provisional Assignee of the said Court or his Deputy appointed for that Purpose endorsed thereon, and to be sealed with the Seal of the said Court, shall in all Courts and Places, and without further Proof, be recognized and received as sufficient Evidence of such Order and Appointment respectively having been made, and of the Title of the Provisional Assignee and of such other Assignee or Assignees respectively under the same: Provided always, that where according to any Laws now in force any Conveyance or Assignment of any Real or Personal Property of an Insolvent Debtor would be required to be registered, enrolled, or recorded in any Registry Office in *England, Wales, or Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then and in every such Case such certified Copy as herein-before is described of such Order under this Act, vesting the Estate and Effects of any Prisoner in the Provisional Assignee of the said Insolvent Debtors Court, and a like certified Copy of the Appointment of an Assignee or Assignees under this Act (if any such Appointment shall have been made), shall be registered in the Registry Office, Court, or Place

Provision for
Registry.

wherein such Conveyance or Assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment as last aforesaid would have had; and the Title of any Purchaser of any such Property as last aforesaid for valuable Consideration, without Notice of any such Order or Appointment as aforesaid, who shall have duly registered, enrolled, or recorded his Purchase Deed previously to the Registry hereby directed, shall not be invalidated by reason of such Order as aforesaid, or the Appointment of an Assignee or Assignees as aforesaid, or the vesting of such Property in him or them consequent thereupon respectively, unless a certified Copy of such Orders and a certified Copy of such Appointment (if any) shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain and Ireland*, within Two Months after the Date of such Order and Appointment respectively, and as regards all other Places within Twelve Months from the Date thereof respectively.

XXXV. And be it enacted, That the Assignee or Assignees of the Estate and Effects of any such Prisoner shall, with all convenient Speed after his or their Appointment, use his or their best Endeavours to receive and get in the Estate and Effects of such Prisoner, and shall with all convenient Speed make sale of all such Estate and Effects; and if such Prisoner shall be interested in or entitled to any Real Estate, either in Possession, Reversion, or Expectancy, such Real Estate, within the Space of Six Months after the Appointment of such Assignee or Assignees, or within such other Time as the said Court shall direct, shall be sold by public Auction in such Manner and at such Place or Places as shall, Thirty Days before any such Sale, be approved, in Writing under their Hands, by the major Part in Value of the Creditors of such Prisoner entitled to the Benefit thereof, who shall meet together on Notice of such Meeting published Fourteen Days previous thereto in the *Dublin Gazette*, and also in some daily Newspaper printed and published in *Dublin*, if the Prisoner before his or her going to Prison resided in the City or County of *Dublin*, and if such Prisoner resided elsewhere within the United Kingdom, then in some printed Newspaper which shall be generally circulated in or near the Place where such Prisoner resided at the Time aforesaid.

Sale of Estate and Effects to be made immediately.

Creditors to meet 30 Days before Sale of Real Estate, and Meeting to be advertised.

XXXVI. And whereas Persons whose Estates may by an Order under this Act have been vested in the said Provisional Assignee may be entitled to Annuities for their own Lives or other uncertain Interests, or to such reversionary or contingent Interests, or to Property, under such Circumstances that the immediate Sale thereof for Payment of their Debts may be very prejudicial to them, and deprive them of the Means of Subsistence which they might otherwise have after Payment of their Debts; and it may be proper in some Cases

Discretion given to the Court as to the Disposal of Property in certain Cases.

to

‘ to authorize the raising of Money by way of Mortgage for
 ‘ Payment of the Debts or Part of the Debts of such Person,
 ‘ instead of selling the Property of such Person for that
 ‘ Purpose;’ be it enacted, That in all such Cases it shall be
 lawful for the said Court to take into consideration all Circum-
 stances affecting the Property of any such Person; and if it
 shall appear to the said Court that it would be reasonable to
 make any special Order touching the same, it shall be lawful
 for the said Court so to do, and to direct that such Property
 as it may be expedient not to sell, or not to sell immediately,
 according to the Provisions of this Act, shall not be so sold, and
 from Time to Time to order and direct in what Manner such
 Property shall be managed for the Benefit of the Creditors of
 such Person until the same can be properly sold, or until Pay-
 ment of all such Creditors, according to the Provisions of this
 Act, shall have been made, and to make such Orders touching
 the Sale or Disposition of such Property as to the said Court
 shall seem reasonable, considering the Rights of the Creditors
 of such Person to Payment of their Demands, and the future
 Benefit of such Person after Payment of his Debts, and upon
 such Terms and Conditions with respect to the Allowance of
 Interest on Debts not bearing Interest, or other Circumstances,
 as to the said Court shall seem just; and if it shall appear to
 the said Court that the Debts of such Person can be discharged
 by means of Money raised by way of Mortgage on any Property
 of such Person, instead of raising the same by Sale, it shall be
 lawful for the said Court so to order, and to give all necessary
 Directions for such Purpose, and generally to direct all Things
 which may be proper for the Discharge of the Debts of such
 Person, in such Manner as may be most consistent with the
 Interests of such Person in any Surplus of his or her Effects
 after Payment of such Debts.

Property may
 be mortgaged if
 more beneficial.

Assignees may
 execute Powers
 which the In-
 solvent might
 have executed
 for his own
 Benefit.

XXXVII. And be it enacted, That all Powers vested in
 any such Prisoner, whose Estate shall by any Order under this
 Act have been vested in the Provisional Assignee, which such
 Prisoner might legally execute for his own Benefit (except the
 Right of Nomination to any vacant Ecclesiastical Benefice),
 shall be and are hereby vested in the Assignee or Assignees
 of the Real and Personal Estate of such Prisoner by virtue of
 this Act, to be by such Assignee or Assignees executed for the
 Benefit of all and every the Creditors of such Prisoner under
 this Act, in such Manner as such Prisoner might have executed
 the same.

Where Lease
 accepted by
 Assignees, the
 Insolvent not
 liable for the
 Rent.

XXXVIII. And be it enacted, That in all Cases in which
 any such Prisoner shall be entitled to any Lease or Agreement
 for a Lease, and his Assignee or Assignees shall accept the
 same, and the Benefit thereof, as Part of such Prisoner's
 Estate and Effects, the said Prisoner shall not be or be deemed
 to be liable to pay any subsequent Rent to which his Discharge
 adjudicated according to this Act may not apply, nor be in any
 Manner sued after such Acceptance, in respect or by reason of
 any subsequent Non-observance or Non-performance of the
 Conditions,

Conditions, Covenants, or Agreements therein contained : Provided always, that in all such Cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his Heirs, Executors, Administrators, or Assigns, if the said Assignee or Assignees, or the said Provisional Assignee if no other Assignee has been appointed, shall refuse to accept such Lease or Agreement for a Lease, or shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the said Court, praying that he or they may either so accept the same, or deliver up such Lease or Agreement for a Lease, and the Possession of the Premises demised or intended to be demised ; and the said Court shall thereupon make such Order as in all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties.

XXXIX. And be it enacted, That it shall be lawful for the Assignee or Assignees of any such Prisoner, and such Assignee or Assignees is and are hereby empowered, to sue, from Time to Time as there may be Occasion, in his or their own Name or Names, for the Recovery, obtaining, and enforcing of any Estate, Effects, or Rights of such Prisoner, but in Trust for the Benefit of the Creditors of such Prisoner according to the Provisions of this Act, and to give such Discharge and Discharges to any Person or Persons who shall be respectively indebted to such Prisoner as may be requisite ; and to make Compositions with any Debtors or Accountants to such Prisoner, where the same shall appear necessary, and to take such reasonable Part of any such Debts as can upon such Composition be gotten in full Discharge of such Debts and Accounts ; and to submit to Arbitration any Difference or Dispute between such Assignee or Assignees and any Person or Persons, for or on account or by reason of any Matter, Cause, or Thing relating to the Estate and Effects of such Prisoner : Provided nevertheless, that no such Composition or Submission to Arbitration shall be made, nor any Suit in Equity be commenced, by any such Assignee or Assignees, without the Consent in Writing of the major Part in Value of the Creditors of such Prisoner, who shall meet together pursuant to a Notice of such Meeting to be published at least Fourteen Days before such Meeting in the *Dublin Gazette*, and also in some Newspaper most usually circulated in the Neighbourhood of the Place where such Prisoner had his or her last usual Residence before his or her Imprisonment as aforesaid, nor without the Approbation of the said Court.

Assignees may sue in their own Names ;

may make Composition for Debts ;

and may submit Differences to Arbitration.

Consent of Creditors necessary to Compositions and Arbitrations.

XL. And be it enacted, That all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised, in pursuance of or in carrying into effect this Act, every Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, exclusive of the Value of mortgaged Property, Judgments, or other such available Securities and Liens, with respect

Creditors to vote according to Balance due to them on Account fairly stated.

to

to which the Creditor entitled to the Benefit thereof shall not have made and filed an Election under the Provisions of this Act, shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall, upon Application duly made in that Behalf, be examined into by the said Court, who shall have Power to determine the same, or, if it seem fit, to refer the Examination thereof to an Officer of the said Court, or Examiner: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his or her Debt for any ulterior Purposes in pursuance of the Provisions of this Act.

Suits not to be abated by Death or Removal of Assignees.

XLI. And be it enacted, That whenever any such Assignee or Assignees shall die or be removed, or a new Assignee or Assignees shall be appointed in pursuance of the Provisions of this Act, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name or Names of the surviving or new Assignee or Assignees to be substituted in the Place of the former, and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees in the same Manner as if he or they had originally commenced the same.

Where the Prisoner is beneficially entitled to Stock, the Court may order a Transfer.

XLII. And be it enacted, That if any such Prisoner shall, at the Time of filing such Petition as aforesaid, whether such Petition shall have been preferred by himself or by any such Creditor as aforesaid, or at any Time before such Prisoner shall have become entitled to his final Discharge according to this Act, have, any Government Stocks, Funds, or Annuities, or any of the Stock of any public Company, either in *England, Scotland, or Ireland*, standing in his own Name, in his own Right, and for his own Benefit, it shall be lawful for the said Court for the Relief of Insolvent Debtors, whenever it shall seem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of such Assignee or Assignees as aforesaid, and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order.

Assignees Power not to extend to the Income of a Benefice, &c. Sequestration of Profit of Benefice may be obtained.

XLIII. And be it enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any such Prisoner, being a beneficed Clergyman or Curate, to the Income of such Benefice or Curacy for the Purposes of this Act: Provided always, that it shall be lawful for such Assignee or Assignees to apply for and obtain a Sequestration of the Profits of any such Benefice for the Payment of the Debts of such Prisoner; and the Order appointing an Assignee or Assignees of such Prisoner in pursuance of this Act shall be a sufficient Warrant for the granting of such Sequestration, without any Writ or other Proceedings to authorize the same; and such Sequestration shall accordingly be issued as the same might have been issued upon any Writ of

Levari

Levari facias founded upon any Judgment against such Prisoner.

XLIV. And be it enacted, That nothing in this Act contained shall extend to entitle the Assignee or Assignees of the Estate and Effects of any such Prisoner, being or having been an Officer of the Army or Navy, or an Officer or Clerk or otherwise employed or engaged in the Service of Her Majesty in the Customs or Excise, or any Civil Office or other Public Department whatsoever, or being or having been in the Naval or Military Service of the *East India* Company, or an Officer or Clerk or otherwise employed or engaged in the Service of the Court of Directors of the said Company, or being otherwise in the Enjoyment of any Pension whatever under any Department of Her Majesty's Government or from the said Court of Directors, to the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner for the Purposes of this Act: Provided always, that it shall be lawful for the said Court to order such Portion of the Pay, Half Pay, Salary, Emoluments, or Pension of any such Prisoner, as on Communication from the said Court to the Secretary at War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the chief Officer of the Department to which such Prisoner may belong or have belonged, or under which such Pay, Half Pay, Salary, Emoluments, or Pension may be enjoyed by such Prisoner, or the said Court of Directors, he or they may respectively under his or their Hands, or under the Hand of his or their chief Secretary or other chief Officer for the Time being, consent to in Writing, to be paid to such Assignee or Assignees, in order that the same may be applied in Payment of the Debts of such Prisoner; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of the said Court of Directors, or of any other Officer or Person appointed to pay or paying any such Pay, Half Pay, Salary, Emoluments, or Pension, such Portion of the said Pay, Half Pay, Salary, Emoluments, or Pension as shall be specified in such Order and Consent shall be paid to the said Assignee or Assignees until the said Court shall make Order to the contrary.

Assignees
Power not to
extend to the
Pay or Pension
of Naval, Military, or Civil
Officers.

Portion of Pay
or Pension may
be obtained on
Application.

XLV. And be it enacted, That if any such Prisoner shall at the Time of his Arrest or other Commencement of his Imprisonment, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Prisoner was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Prisoner so as to become vested in the Provisional Assignee of the said Court, by the Order made in pursuance of this Act: Provided that no Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Session of Parliament held in the Third and

Goods in possession of Prisoner, whereof he was reputed Owner, to be deemed his Property.

No Assignment of Vessels under 3 & 4 W. 4. c. 55. to be affected.

Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the registering of British Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Distress not to be available for more than One Year's Rent.

XLVI. And be it enacted, That no Distress or Distresses for Rent, made and levied after the Arrest or other Commencement of the Imprisonment of any Person whose Estate shall by any such Order as aforesaid have been vested in the Provisional Assignee, upon the Goods or Effects of any such Person, shall be available for more than One Year's Rent accrued prior to the making of such Order, but that the Landlord or Party to whom the Rent shall be due shall and may be a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available, and entitled to all the Provisions made for Creditors by this Act.

Voluntary Preference fraudulent, and void as against Assignees.

XLVII. And be it enacted, That if any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever, to any Creditor or Creditors, or to any Person or Persons in Trust for, or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over shall be deemed and is hereby declared to be fraudulent and void as against the Provisional or other Assignee or Assignees of such Prisoner appointed under this Act: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over shall be so deemed fraudulent and void, unless made within Three Months before the Commencement of such Imprisonment, or with the View or Intention by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the said Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment.

XLVIII. And be it enacted, That in all Cases where any Prisoner whose Estate shall have been vested in the said Provisional Assignee under this Act shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall after the Commencement of the Imprisonment of such Prisoner avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but that any Person or Persons to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Assignees to file Accounts.

XLIX. And be it enacted, That the Assignee or Assignees of any such Prisoner, at the End of Three Months at the

farthest from the Time of his Appointment, or sooner if the said Court shall direct, and so from Time to Time as Occasion shall require or the said Court shall direct, shall make up an Account of such Prisoner's Estate, and make Oath in Writing before the Chief Clerk of the said Court, or before any other Person before whom Affidavits are by this Act directed to be sworn, that such Account contains a fair, just, and particular Account of the Estate and Effects of such Prisoner got in by or for such Assignee, and of all Payments necessarily made or deducted therefrom, and of all Expences sought to be allowed in respect thereof up to the Time of filing such Account, or to some ulterior Time if need be; which Account so sworn, together with a Minute concerning the probable Assets of the Estate (if any), shall be filed with the proper Officer of the said Court; and if there shall appear to be in the Hands of such Assignee or Assignees any Balance wherewith a Dividend may be made, Proceedings shall be had forthwith, under the Direction of the said Court, for making such Dividend, and also, when it shall appear necessary, for correcting and ascertaining the Lists of Creditors entitled to receive the same; and Notice of any Meeting ordered to be held for such ascertaining of Debts, or for declaring Dividend thereupon, or for both Purposes, shall be given for such Time and Place and in such Manner as the said Court shall at any Time or in any Case direct; and in case such Dividend shall be made before Adjudication shall have been made with respect to such Prisoner as herein-after provided, the same shall be made amongst the Creditors of such Prisoner who shall prove their Debts in pursuance of any Order of the said Court to be made in that Behalf; and in case such Dividend shall be made after such Adjudication the same shall be made amongst the Creditors of such Prisoner whose Debts shall be admitted in his or her Schedule so sworn to as herein-after directed, and amongst such other Creditors (if any) who shall prove their Debts in manner aforesaid, in proportion to the Amount of the Debts so proved, and so admitted and proved respectively, as the Case may be: Provided always, that if any such Prisoner, Creditor, or Assignee shall object in whole or in part to any Debt tendered to be so proved as aforesaid, or to any Debt mentioned in the Schedule of such Prisoner, or if any Person whose Demand is stated in such Schedule, but is not admitted therein to the Extent of such Demand, shall claim to be admitted as a Creditor for the whole of such Demand, or for more thereof than is so admitted, the said Objections and Claims shall, upon Application duly made, be examined into by the said Court, and the said Court may, if deemed fit, refer the Examination of the same to the Chief Clerk or other Officer of the said Court; and the said Court and such Officer to whom such Reference shall have been made shall have full Power, for the Purpose aforesaid, to require and compel the Production of all Books, Papers, and Writings which may be necessary to be produced, as well by the Person claiming such Debt as by such Prisoner, or his or her Assignee or

Debts to be
ascertained, and
Dividend made.
How Dividend
to be made.

Court may
examine into
disputed
Claims.

Assignees, Creditor or Creditors, and to examine all such Persons and their Witnesses upon Oath, as the Nature of the Case may require, and to take all other Measures necessary for the due Investigation of such Objections and Claims; and the Decision of the said Court or Commissioner thereupon shall be conclusive with respect to the Title of any such Creditor or Creditors to his, her, or their Share of such Dividend under the Provisions of such Act: Provided always, that if in any Case it shall appear expedient that the Proof of any Debt or Debts should be required to be made at an earlier or other Period than as aforesaid, it shall be lawful at any Time for the said Court, by such Notice as may be directed in that Behalf, to cause all or any of the Creditors to prove their Debts in such Manner as the said Court or a Commissioner thereof shall require, and to decide upon such Debts, and the Rights to receive Dividends thereupon, and to do all Things requisite thereto as aforesaid.

If Prisoner,
or Creditor, or
Court dissatis-
fied with Assign-
nee's Account,
the Court may
direct Inquiry.

L. And be it enacted, That in case such Prisoner, or any of his or her Creditors, or the said Court, shall at any Time be dissatisfied with the Account of any such Assignee or Assignees so rendered upon Oath as aforesaid, and it shall appear to the said Court that the Matters of such Account require a fuller or further Examination, or in case any such Assignee or Assignees shall neglect to render such Account, or shall neglect to dispose of the Property or collect the Effects of such Prisoner, or shall in any Manner waste or mismanage the Estate or Effects of such Prisoner, or neglect to make a due Distribution thereof, it shall be lawful for the said Court to require such Assignee or Assignees to render such Account on Oath as is directed by this Act, if not before rendered, and for the said Court to examine or further examine any Account so rendered, and to inquire into any Waste, Mismanagement, or Neglect of the Estate and Effects of such Prisoner, and, if it shall seem fit, to order that it shall be referred to the Chief Clerk or other Officer of the said Court to investigate the Accounts of such Assignee or Assignees so rendered as aforesaid, together with all Matters brought forward in objection thereto, and to examine into the Truth thereof, and to report thereon to the said Court; and it shall and may be lawful for the said Court or such Officer, upon such Reference as aforesaid, to require and compel the Production of all Books, Papers, and Writing necessary for such Purposes, and to summon all Parties before him or them, and to examine all Parties and their Witnesses on Oath, as the Case may require; and the said Court shall and may take all such Measures as shall be necessary for the compelling of the rendering of such Account, and for the due Investigation thereof, and shall have Power to disallow any Charge or Charges in such Account which it shall appear to the said Court ought not in Fairness to be allowed, and to ascertain the Produce of the Estate and Effects of any such Prisoner to be divided among his or her Creditors, and to direct the Distribution thereof, and to take all such Measures and make such Orders as shall be
necessary

necessary for compelling the proper Disposition and Distribution thereof, and to award Costs against any of the Parties as Justice shall require; and that if it shall appear to the said Court, upon any Examination of such Matters of Account, that any such Assignee or Assignees shall have wilfully retained in his or their Hands, or otherwise employed for his or their own Benefit, any Sum or Sums of Money Part of or being the Produce of such Estate or Effects, the said Court shall have Power and Authority to order such Assignee or Assignees to be charged in his or their Accounts with the Estate of such Prisoner with such Sum or Sums of Money as shall be equal to the Amount of Interest, computed at a Rate not exceeding Twenty Pounds *per Centum per Annum*, on all Sums of Money appearing to the said Court to be so retained or employed by him or them, for the Time or Times during which he or they shall have so retained or employed the same; and the said Court shall in pursuance of such Order charge such Assignee or Assignees in their Accounts with such Sum or Sums of Money accordingly; and the Decisions of the said Court upon all such Matters shall be final and conclusive.

Court may charge Assignees with 20 per Cent. on Money wilfully retained.

LI. And be it enacted, That the said Court for the Relief of Insolvent Debtors, or any One Commissioner of the said Court, shall, immediately after the End of Six Calendar Months next after the Appointment of an Assignee or Assignees under this Act, at the Request of any One or more Creditor or Creditors, summon such Assignee or Assignees before such Court or Commission, and examine such Assignee or Assignees, upon Oath or otherwise, touching his, her, or their Receipts and Payments, and shall thereupon order the Money in the Hands of such Assignee or Assignees to be paid into the Bank of Ireland to the Credit of such Matter, with the Privy of the Chief Clerk of the said Court, and that such Dividend be made of the Estate and Effects of such Prisoner as the said Court may think proper; and in case any Dividend or Dividends shall remain in the Hands of such Assignee or Assignees for the Space of Three Months next following the declaring thereof, it shall and may be lawful to and for such Court, and such Court or any One Commissioner thereof is hereby authorized, to order and direct that such unclaimed Dividend or Dividends shall be immediately paid into the Bank of Ireland as aforesaid; and in default of Payment of such Dividend or Dividends by the Time by the said Court to be for that Purpose limited, it shall and may be lawful to and for the said Court to order such summary Remedy, for the Purpose of a Distress and Sale of the Goods and Chattels of such Assignee or Assignees in the Name of such Creditor as shall desire the same, as to the said Court shall seem proper; and if no sufficient Distress can be found, then and in such Case the said Court shall be at liberty to commit the Offender to the Common Gaol or House of Correction, without Bail or Mainprize, there to remain until the said Court shall make such Order to the contrary.

Court, at Request of any Creditor, to summon and examine Assignee, Six Months after his Appointment, touching his Receipts and Payments, and to order Payment of Money in his Hands into the Bank of Ireland.

Assignees to pay unclaimed Dividends into Court.

Provisions respecting Money paid into the Bank of Ireland.

LII. And be it enacted, That all and every Sum and Sums of Money which under the Provisions of this Act shall be lodged in the Bank of *Ireland* shall be so lodged, with the Privy of the Chief Clerk for the Relief of Insolvent Debtors, to the Credit of the Matter in which the same shall be so lodged; and the same shall be subject to the Orders of the said Court, and shall from Time to Time, as Justice shall require, be drawn out of the said Bank by the Drafts of the said Chief Clerk, drawn under and in pursuance of, the Orders of the said Court, authenticated by Copies of such Orders respectively dated and signed by a Commissioner of the said Court, which Copies shall remain together with such Drafts in the said Bank; and that any such Draft shall be void unless presented for Payment within One Calendar Month from the Date of such Copy of such Order, and the same shall be expressed in every such Order.

Court may remove Assignees, and appoint new Assignees.

LIII. And be it enacted, That in case any Assignee of the Estate and Effects of any such Prisoner so appointed as aforesaid shall be unwilling to act or to continue to act as such Assignee, or in case of the Death, Incapacity, Disability, Misconduct, or Absence from the Realm of any such Assignee, or other Cause of Unfitness appearing to the said Court, it shall be lawful to and for any Creditor or Creditors of such Prisoner, his or their Executors or Administrators, or for such Prisoner, or in case of his Death for the Heirs, Executors, or Administrators of such deceased Prisoner, to apply to the said Court to appoint a new Assignee or Assignees, with like Powers and Authorities as are given by this Act to the Assignee or Assignees herein-before mentioned; and that the said Court shall have Power to remove such Assignees, and to appoint such new Assignee or Assignees, and to compel any Assignee who shall be removed, and the Heirs, Executors, or Administrators of any deceased Assignee, to account for and deliver up to the said Court, or as the said Court shall order, all such Estate and Effects, Books, Papers, Writings, Deeds, and other Evidences relating thereto as shall remain in his or their Hands, to be applied for the Purposes of this Act, and the Decision of the said Court in the Matters aforesaid shall be final and conclusive; and from and immediately after such Appointment of a new Assignee or Assignees, and by virtue of the Order of the said Court in that Behalf, all the Estate, Effects, Rights, and Powers of such Prisoner, vested in any such former Assignee or Assignees, shall become and the same are hereby vested in such new Assignee or Assignees, without any Assignment or Conveyance executed in that Behalf; and every such Removal and Appointment shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall at any Time direct; and Proof of such Removal and Appointment so entered of Record as aforesaid shall be received by such certified Copy thereof as is herein-before directed to be received as Proof of such Order and Appointment as aforesaid made in pursuance of this Act.

What shall be Evidence of Removal and Appointment.

LIV. And

LIV. And be it enacted, That in case any Assignee or other Person shall disobey any Rule or Order of the said Court, duly made by the said Court for enforcing the Purposes and Provisions of this Act, or made and entered into by the Consent of such Assignee or other Person for carrying into effect the Purposes and Provisions of this Act, it shall and may be lawful for the said Court to order the Person so offending to be arrested and committed as for a Contempt of the said Court, to the Prison of the Marshalsea of the Four Courts, *Dublin*, or to Her Majesty's Prison of *Kilmainham*, or to the Common Gaol of any County, City, or Place where he or she shall be, or where he or she shall usually reside, there to remain, without Bail or Mainprize, until such Person shall have fulfilled the Duty required by this Act, or until the said Court shall make Order to the contrary.

Court to have Power to order the Arrest and Imprisonment of Assignee or other Person disobeying its Order.

LV. And be it enacted, That all Enactments and Provisions in this Act contained concerning the Appointment and Removal of Assignees, and otherwise concerning Assignees, and concerning Debts and Dividends, and the Management and Control of the Estates of Insolvent Debtors, shall be deemed to extend to all Cases which shall or may be of Record in the said Court for the Relief of Insolvent Debtors at the Commencement of this Act, as well as to Cases arising subsequently thereto.

Extent of Provisions of this Act in respect to Assignees and to the Estates of Insolvents.

LVI. ' And whereas it may often happen that some Interest ' in Lands and Tenements has or may become vested in the ' Provisional Assignee of the said Court for the Relief of Insol- ' vent Debtors which appears to be of no Value to Creditors, ' but nevertheless it may be reasonable and expedient that the ' Provisional Assignee should make or join in making some ' Conveyance or Assignment to the same, and that the same ' should be done without the Expence attending Advertisements ' and Meetings of Creditors, as herein-before described in cer- ' tain Cases; be it therefore enacted, That it shall be lawful for the said Court, at any Time after the Day gazetted for the bringing up of any Prisoner to be dealt with according to the Provisions of this Act, if no Person or Persons other than the said Provisional Assignee shall have been appointed Assignee or Assignees of his Estate and Effects, and if it shall appear fit, upon such Notice given by Advertisement or otherwise to the Creditors or any of them, as the said Court shall in any Case direct, to order the said Provisional Assignee to make or join in making any Conveyance or Assignment of any such Interest, as to the said Court may appear just and reasonable, without observing the Provisions of this Act as to the Sale of Real Property by the Provisional or other Assignees of the Estates of Insolvent Debtors.

Court may direct Conveyance by Provisional Assignee where no Assignee is appointed.

LVII. And be it enacted, That every Prisoner whose Estate shall, by an Order to be made under this Act, be vested in the Provisional Assignee of the said Court for the Relief of Insolvent Debtors (whether upon his own Petition or on the Petition of any such Creditor as aforesaid), shall within the Space of Fourteen Days next after such Order shall have been made, or next after Notice in Writing of such Order having been made shall

After Order made, the Prisoner to deliver in a Schedule of Debts, Property, &c.

shall have been given to him, in case such Order shall not have been made on his own Petition, or within such further Time as the said Court shall think reasonable, deliver into the said Court a Schedule containing a full and fair Description of such Prisoner, as to his Name or Names, Trade or Trades, Profession or Professions, together with the last usual Place of Abode of such Prisoner, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of making such Order, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed by such Prisoner, and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in Possession, Reversion, Remainder, or Expectancy, and also of all Places of Benefit or Advantage held by such Prisoner, whether the Emoluments of the same arise from fixed Salaries, or from Fees, or otherwise, and also of all Pensions or Allowances of the said Prisoner, in Possession or Reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in Trust for such Prisoner, or for his Use, Benefit, or Advantage, in any Manner whatsoever, shall be seised or possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in Trust for him or for his Benefit, shall have any Power to dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect Account of all the Debts, at the Time of making such Order, due or growing due to such Prisoner, or to any Person or Persons in Trust for him or for his Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts, so far as such Prisoner can set forth the same; and the said Schedule shall also contain a Balance Sheet of so much of the Receipts and Expenditures of such Prisoner, and of the Items composing the same, as shall be at any Time required by the said Court in that Behalf, and also shall fully and truly describe the Wearing Apparel, Bedding, and other Necessaries of such Prisoner and his or her Family, and the working Tools and Implements of such Prisoner, not exceeding in the whole the Value of Fifteen Pounds, which may be excepted by such Prisoner from the Operation of this Act, together with the Values of such excepted Articles respectively; and the said Schedule shall be subscribed by such Prisoner, and shall forthwith be filed in the said Court, together with all Books, Papers, Deeds, and Writings in any

way relating to such Prisoner's Estate or Effects, in his or her Possession, or under his or her Custody or Control: Provided always, that if any Prisoner, whose Estate shall by any such Order of the said Court be vested in such Provisional Assignee on the Petition of any such Creditor as aforesaid, shall neglect or refuse to deliver into the said Court such Schedule as aforesaid within such Time as may be directed by any Order of the said Court in that Behalf, it shall be lawful for such Court, by Warrant, to commit such Prisoner so offending to such Prison as aforesaid, or to the Common Gaol of any County or Place, there to remain, without Bail or Mainprize, until such Time as he or she shall submit himself or herself to such Court, and deliver into such Court such Schedule as aforesaid.

Schedule to be filed with Books and Papers.

LVIII. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall forthwith, after such Schedule shall have been filed as aforesaid in the said Court by any such Prisoner, appoint a Time and Place for such Prisoner to be brought up before such Court or a Commissioner thereof on his Circuit, to be dealt with according to the Provisions of this Act, and the Time so appointed shall in no Case be more than Four Calendar Months after the Date of such Appointment; and where such Prisoner shall be in any Gaol within the County of *Dublin*, or the County of the City of *Dublin*, the said Court shall order such Prisoner to be brought before the said Court; and where any such Prisoner shall be in any other Gaol in *Ireland*, except in the County of *Dublin* or County of the City of *Dublin*, the said Court shall order such Prisoner to be brought before one of the Commissioners of the said Court proceeding on his Circuit at the Assize Town for the County or County of a City or Town wherein such Gaol shall be situate, as may be directed by the Order of the said Court in that Behalf; and the Expence of conveying such Prisoner to any such Assize Town, in every Case where the Gaol in which such Prisoner shall be confined shall not be situate within such Assize Town, not exceeding One Penny a Mile, shall be paid to the Keeper or Gaoler or Officer who shall bring such Prisoner to such Assize Town in obedience to such Rule or Order out of the Estate or Effects of such Prisoner, if the same shall be sufficient to pay such Expence, and if not, then such Expence shall be paid by the Treasurer of the County, County of a City, or County of a Town in which such Prisoner shall be imprisoned, as the same shall be directed or ordered by the Commissioner of the said Court before whom such Prisoner shall be brought; and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order.

Court to appoint Time and Place for Prisoner to be brought up.

Manner of Proceeding before Commissioner on Circuit.

LIX. And be it enacted, That in case such Commissioner, upon attending at any Assize Town for the Purposes of this Act, shall see Cause to appoint for the Appearance of such Prisoner before him in any Place within the Precincts thereof, other than the Court House or other Place which may have

Commissioner may appoint Prisoner to appear before him at any other Place besides the Court House.

been appointed by the previous Order of the said Court in that Behalf, it shall and may be lawful for such Commissioner, by an Order to be made in that Behalf, to appoint such other Place within the Precincts of the said Assize Town for such Prisoner to be brought up before such Commissioner; and every such new Order shall be as valid to all Intents and Purposes as if the Place thereby appointed for the Appearance of such Prisoner before such Commissioner had been the Place appointed for that Purpose in the original Order of the said Court in that Behalf.

Proper Court
House to be
provided.

LX. And be it enacted, That the Sheriff (or his Deputy) of every County, or County of a City or County of a Town, wherein such Commissioner on Circuit shall hold his Sittings for the Purposes of this Act, shall from Time to Time provide that the Court House or other Place appointed for such Sitting shall be duly prepared and made ready for that Purpose; and that such Sheriff (or his Deputy) shall from Time to Time attend such Commissioner during such Sitting; and the necessary Expence of preparing such Court House or other Place shall be paid by the Treasurer of such County, County of a City, or County of a Town, and that the Grand Jury of such County, County of a City, or County of a Town are hereby empowered and required to present the Amount of such Expences at the Assizes next ensuing the Time of every such Sitting.

Notice to be
given to Cre-
ditors, and
advertised.

LXI. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall cause Notice of the making every such vesting Order as aforesaid, and the filing of every such Schedule, and of the Time and Place so as aforesaid appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors, at whose Suit any such Prisoner shall be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of Five Pounds, and to be inserted in the *Dublin Gazette*, and also, if the said Court shall think fit, in the *Edinburgh* and *London Gazettes*, or either of them, and also in such other Newspaper or Newspapers as the said Court shall direct.

At the Time of
Hearing the
Schedule to be
examined.

LXII. And be it enacted, That upon such Prisoner being brought up as aforesaid the said Court or Commissioner shall examine into the Schedule of every such Prisoner so brought before the said Court or Commissioner, upon the Oath of such Prisoner and of such Parties and other Witnesses as the said Court or Commissioner shall think fit to examine thereupon; and in case such Notice as the said Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other of the Creditors of such Prisoner, and notwithstanding such Creditor or Creditors may have petitioned for and obtained such vesting Order as aforesaid, to oppose such Prisoner's Discharge, and for that Purpose to put such Questions

Creditors may
oppose Pri-
soner's Dis-
charge.

tions to such Prisoner, and examine such Witnesses, as the said Court or Commissioners shall think fit, touching the Matters contained in such Schedule, and touching such other Matters as the said Court or Commissioner shall be of opinion that it may be fit and proper to inquire into, in order to the due Execution of this Act; but no Creditor shall examine or oppose the Discharge of such Prisoner until he shall make Oath or Affidavit of his Debt, or otherwise give satisfactory Proof of his Right to oppose such Prisoner's Discharge, if required so to do by such Prisoner; and that in case the said Court or Commissioner shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or it shall appear that Amendment is necessary to be made of such Schedule, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the said Court or Commissioner, it shall be lawful for the said Court or Commissioner to adjourn the Hearing and Examination of such Prisoner, and of Witnesses thereupon, to some future Sitting of the said Court or Commissioner, or to some future Circuit to be made by one of the said Commissioners, or (where such Hearing shall be before a Commissioner on Circuit) to some future Sitting of the said Court in *Dublin*; and in every such Case such Prisoner shall, upon such Adjournment, remain in Custody, and shall and may be again brought up, and such Hearing and Examination be further proceeded in, as often as to the said Court or Commissioner shall seem fit: Provided always, that when any such Hearing shall be adjourned, by the said Court generally, or by such Commissioner, to some future Circuit, or to some future Sitting of the said Court in *Dublin* as aforesaid, the said Court shall and may, upon the Application of such Prisoner, to be made within such Time as the said Court shall direct, order the said Prisoner to be brought up for hearing accordingly, and such Notice thereof shall be given, and to such Parties, as the said Court or Commissioner shall direct.

Hearing may be
adjourned.

LXIII. Provided always, and be it enacted, That where any Prisoner, whose usual Place of Abode at or lately before his or her Imprisonment was otherwise than in the County of *Dublin* or County of the City of *Dublin* aforesaid, shall be so brought before the said Court for the Relief of Insolvent Debtors, it shall be lawful for the said Court to receive the Affidavits of any Creditor or Creditors, or other Person or Persons not resident within the County of *Dublin* or County of the City of *Dublin* aforesaid, in opposition to the Discharge of such Prisoner under this Act; and also, if such Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Court; and where any Prisoner shall be brought before any Commissioner of the said Court on his

Affidavits may
be received in
opposition to
Prisoner's Dis-
charge in cer-
tain Cases.

his Circuit, and the usual Place of Abode of such Prisoner at or lately before his or her Imprisonment shall have been other than in the County where such Prisoner shall be brought up, it shall be lawful for such Commissioner to receive the Affidavits of any Creditor or Creditors or other Person or Persons not resident within the County where such Prisoner shall be brought up in opposition to the Discharge of such Prisoner under this Act; and also, if such Commissioner shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing and Examination of such Prisoner until such Interrogatories shall be fully answered to the Satisfaction of the said Commissioner; and that it shall be lawful for the said Court to summon and compel to attend before it the Wife of any such Prisoner (in like Manner as the said Court is herein-before empowered to compel the Attendance of other Witnesses), and to examine her for the finding out and Discovery of the Estate, Goods, and Chattels of such Prisoner concealed, kept, or disposed of by such Wife in her own Person, or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the said Court, or for refusing to be sworn or examined, or for not fully answering to the Satisfaction of the said Court as would be incurred by any other Person offending in like Manner before the said Court or one of the Commissioners thereof.

Schedule and Prisoner's Accounts may be referred to an Officer of the Court, or an Examiner, who may order Prisoner to attend.

Officer may administer Oaths.

Court may order Expences of Reference to be paid out of Insolvent's Estate.

LXIV. Provided always, and be it enacted, That at such Hearing or adjourned Hearing it shall be lawful for the said Court, if it shall appear fit, to order that it shall be referred to the Chief Clerk or other Officer of the said Court to investigate the Accounts of such Prisoner, and to examine into the Truth of his Schedule, and to report thereon to the said Court or Commissioner; and that the said Court may at such Hearing proceed on the other Matters in opposition to the Discharge of such Prisoner, or may, if it shall appear just and reasonable so to do, forthwith adjourn the Hearing thereof until such Officer shall have made his Report; and that upon such Reference being made as aforesaid it shall be lawful for such Officer to order the Attendance of such Prisoner as often as such Officer shall think fit, and the Prisoner mentioned in such Order shall be accordingly carried before such Officer, for which such Order shall be a sufficient Warrant; and such Officer shall and may under such Reference administer Oaths and examine all Witnesses and Parties upon their Oaths touching all Matters relating thereto; and that in all Cases where such Reference shall have been made as aforesaid it shall be lawful for the said Court or Commissioner, if just Cause shall appear, to order all the Fees and Expences of such Reference paid by any Creditor or Creditors to be repaid to him, her, or them out of the first Money received by the Provisional or other Assignee or Assignees of such Prisoner from or by his Estate or Effects.

LXV. And

LXV. And be it enacted, That after such Examination of any such Prisoner as herein-before directed it shall be lawful, at such Hearing or adjourned Hearing as aforesaid, for the said Court or Commissioner, upon such Prisoner's swearing to the Truth of his Schedule, and executing such Warrant of Attorney as is herein-after directed, to adjudge that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, at such Time as the said Court or Commissioner shall direct, in pursuance of the Provisions herein-after contained in that Behalf, as to the several Debts and Sums of Money due or claimed to be due at the Time of making such vesting Order as aforesaid from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of making such vesting Order as aforesaid, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor of such Prisoner, and as to the Claims of all other Persons not known to such Prisoner at the Time of such Adjudication who may be Indorsees or Holders of any negotiable Security set forth in such Schedule so sworn to as aforesaid.

LXVI. And be it enacted, That in all Cases where no Cause shall appear to the contrary it shall be lawful for the said Court or Commissioner, according as it shall seem fit, to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated for such Period or Periods not exceeding Six Months in the whole as the said Court or Commissioner shall direct, to be computed from the making of such vesting Order as aforesaid.

LXVII. And be it enacted, That in case it shall appear to the said Court or Commissioner that such Prisoner has fraudulently, with Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified any such Books, Papers, or Writings, or that such Prisoner has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Prisoner, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the said Court or Commissioner to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid as soon as he shall have been in Custody at

Court, &c. may adjudge a Prisoner to be discharged from Custody and entitled to the Benefit of this Act.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition.

In certain Cases, Discharge, &c. to be at any Period not later than Three Years from petitioning.

at the Suit of some One or more of the Persons as to whose Debts and Claims such Discharge is so adjudicated for such Period or Periods not exceeding Three Years in the whole as the said Court or Commissioner shall direct, to be computed as aforesaid.

In other Cases, the Discharge, &c. to be at any Period not later than Two Years from petitioning.

LXVIII. And be it enacted, That in case it shall appear to the said Court or Commissioner that such Prisoner shall have contracted any of his or her Debts fraudulently, or by means of a Breach of Trust, or by means of false Pretences, or without having had any reasonable or probable Expectation, at the Time when contracted, of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expence by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, where it shall appear to the Satisfaction of the said Court that the Injury complained of was malicious, then it shall be lawful for such Court or Commissioner to adjudge that such Prisoner shall be discharged and so entitled as aforesaid forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned; and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding Two Years in the whole, as the said Court or Commissioner shall direct, to be computed as aforesaid.

Discharge may extend to Process for Contempt in Non-payment of Money, and to Costs incurred by Creditor, but subject to Taxation.

LXIX. And be it enacted, That the Discharge of any Prisoner so adjudicated as aforesaid shall and may extend to all Process issuing from any Court for any Contempt of any Court, Ecclesiastical or Civil, for Nonpayment of Money, or of Costs or Expences in any Court, Ecclesiastical or Civil; and that in such Case the said Discharge shall be deemed to extend also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Discharge so adjudicated as aforesaid, as to any Debt or Damages of any Creditor of such Prisoner, shall be deemed to extend also to all Costs incurred by such Creditor before the filing of such Prisoner's Schedule in any Action or Suit brought by such Creditor against such Prisoner for the Recovery of the same; and that all Persons, as to whose Demands

mands for any such Costs, Money, or Expences as aforesaid any such Person shall be so adjudged to be discharged, shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Prisoner's Estate and Effects.

LXX. And be it enacted, That the Discharge of any such Prisoner so adjudicated as aforesaid shall and may extend to any Sum or Sums of Money which shall be payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Securities of any Nature whatsoever; and that every Person and Persons who would be a Creditor or Creditors of such Prisoner for such Sum or Sums of Money if the same were presently due shall be admissible as a Creditor or Creditors of such Prisoner for the Value of such Sum or Sums of Money so payable as aforesaid; which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of making such vesting Order as aforesaid; and such Creditor or Creditors shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act: Provided also, that it shall not be lawful for any Person entitled to any such Annuity to sue any Person who may be Surety for the Payment of such Annuity until such Annuitant shall, upon Application at any Time made to the said Court in that Behalf, have had the said Annuity valued by the said Court in manner aforesaid; and if such Surety, after such Valuation, duly confirmed by an Order of the said Court or a Commissioner thereof, pay the Amount of such Valuation, he shall be discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the said Annuity subsequent to the making of the said vesting Order shall have become due) pay the Amount of such Valuation, he may be sued for the accruing Payments or Gales of such Annuity until such Annuitant shall have been paid or satisfied the Amount of such Valuation, with Interest on the same at the Rate of Five Pounds *per Centum per Annum* from the Time of the making of the said Order confirming such Valuation; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant as a Creditor of such Prisoner, to the Amount in such Valuation so paid or satisfied as aforesaid by such Surety; and the Order for the Discharge of such Prisoner shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity: Provided always, that such Surety shall be entitled to Credit in

Discharge may
extend to Sums
payable by way
of Annuity, &c.

account

account with such Annuitant for any Dividend received by such Annuitant out of the Estate and Effects of such Prisoner before such Surety shall have fully paid or satisfied the Amount so proved as aforesaid: Provided also, that in case such Annuity shall be charged upon or payable out of any Lands, Tenements, or Hereditaments of such Prisoner, such Annuitant shall not be entitled to have such Annuity valued as aforesaid, or be entitled to prove on the Estate of such Prisoner, or to sue any such Surety as aforesaid, unless such Annuitant shall elect to release all such Lands, Tenements, and Hereditaments from all future or accruing Gales or Payments of such Annuity; and thereupon the said Lands, Tenements, and Premises shall stand charged with the Amount of such Valuation, and be liable to the Payment of the said Sum only, with Interest at the Rate of Five Pounds *per Centum per Annum* until paid: Provided also, that if such Surety shall as aforesaid pay or satisfy the Amount of such Valuation he shall after such Payment and Satisfaction stand in the Place of such Annuitant as a Creditor upon such Lands, Tenements, and Hereditaments to the Amount of such Sum so paid and satisfied, together with Interest at the Rate aforesaid until paid.

Not to prevent Mortgages and other Charges on Lands made prior to vesting Order from taking effect.

LXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner, or any Part thereof made prior to the making of such vesting Order as aforesaid, from taking place upon the Lands, Tenements, or Hereditaments or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively, nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgment, acknowledged by or obtained against any such Prisoner prior to the making of such vesting Order as aforesaid from taking place upon the Lands, Tenements, or Real Estates of such Prisoner, unless in any of the said Cases the Creditor or Creditors having such Mortgage, Charge, Lien, Statute Staple, Statute Merchant, Recognizance, or Judgment shall elect to take and receive any Dividend under this Act in respect of such Debt, and being an Annuity Creditor shall elect to have his Annuity valued as herein-before mentioned; and such Creditor or Creditors shall cause such Election to be entered on the Files of the Court discharging such Prisoner: Provided nevertheless, that no such Creditor who shall not have so made and entered such Election shall be entitled to receive any Dividend under this Act in respect of any Debt so secured, or be admitted a Creditor for the Value of such Annuity as aforesaid.

Court, &c. may order Prisoner to be confined within the Walls of the Prison.

LXXII. And be it enacted, That in all such Cases where it shall be adjudged that any such Prisoner shall be so discharged and so entitled as aforesaid at some future Period, it shall be lawful for the said Court, if it shall seem fit, to direct that such Prisoner shall be confined during any such Period within the Walls of the Prison, and not within any Rules or Liberties thereof.

LXXIII. And

LXXIII. And be it enacted, That whenever any Creditor or Creditors opposing any such Prisoner's Discharge shall prove to the Satisfaction of the said Court or Commissioner that such Prisoner has done or committed any Act for which upon such Adjudication as aforesaid he may be liable to remain in such Custody as aforesaid for a Period not exceeding Three Years, to be computed as aforesaid, the said Court or Commissioner shall adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Prisoner, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to a Prisoner's Discharge being substantiated or effectual it shall be lawful for the said Court or Commissioner to adjudge in like Manner, if it shall seem fit; and that in case it shall appear to the said Court or Commissioner that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the said Court or Commissioner to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor or Creditors making such Opposition, which shall be paid accordingly.

Court, &c. may order Costs in certain Cases to be paid to opposing Creditors out of the Estate.

Where Opposition frivolous and vexatious, Costs may be awarded to Prisoner.

LXXIV. And be it enacted, That where, upon any Prisoner being brought up before the said Court or a Commissioner thereof on his Circuit, any such Adjudication shall have been made as aforesaid by the said Court or Commissioner, Order shall be made accordingly by the said Court or Commissioner in pursuance of such Adjudication, and the said Court or Commissioner shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he or she shall then be confined, or which shall be lodged against him or her before he or she shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Order of Adjudication shall take effect as from the Day on which the Adjudication shall have been made in that Behalf; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Prisoner may be adjudged to be so discharged and entitled as aforesaid forthwith, and the Creditors as to whom he may be adjudged to be so discharged and entitled at some future Period: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of the said Court or Commissioner, to be delivered to the Gaoler in that Behalf.

Court or Commissioner to make Order, pursuant to Adjudication, and issue Warrant to Gaoler.

Specification of Debts, &c. not necessary in Order of Adjudication.

LXXV. And be it enacted, That where it shall appear to the said Court or Commissioner at any such Hearing as aforesaid of any

Adjudication may be conditional in certain Cases,

any such Prisoner that certain Matters or Things ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing of the Case absolutely to some future Occasion, without the Opportunity of such Discharge being sooner had by doing such Things as aforesaid, it shall be lawful for the said Court or Commissioner to pronounce an Adjudication without their issuing the Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters or Things as aforesaid, and that on the Non-performance thereof the Hearing of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication is a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives.

LXXVI. And be it enacted, That in all Cases where the said Court shall adjudge that such Prisoner shall be so discharged and so entitled at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison, under and by virtue of such Order, at the Suit of any One or more of his or her Creditors with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived, notwithstanding that such Prisoner may not during such Period be otherwise detained or charged in Custody at the Suit of some One or more of such Creditors; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody in pursuance of such Remand until such Period shall have arrived, for doing which the Order of Remand in such Case shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler or Keeper to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Prisoner under any Civil Process at his Suit.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding 4s. a Week.

LXXVII. And be it enacted, That in all Cases where such Prisoner shall, upon such Adjudication as aforesaid, be liable to further Imprisonment at the Suit of his Creditor or Creditors, or any or either of them, it shall be lawful at any Time for the said Court, on the Application of such Prisoner, to order the Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Prisoner such Sum or Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, at such Times and in such Manner, and in such Proportions, as the said Court shall direct; and that on Failure of Payment thereof as directed by the said Court the said Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Before Adjudication the

LXXVIII. And be it enacted, That before any such Adjudication shall be made with respect to any such Prisoner the

said

said Court or Commissioner shall require such Prisoner to execute a Warrant of Attorney to authorize the entering up of a Judgment against such Prisoner in some One of the Superior Courts at *Dublin* in the Name of the Assignee or Assignees of such Prisoner, or of such Provisional Assignee, if no other Assignee shall have been appointed and shall have accepted such Office, for the Amount of the Debts stated in the Schedule of such Prisoner so sworn to as aforesaid to be due or claimed to be due from such Prisoner, or so much thereof as shall appear at the Time of executing such Warrant of Attorney to be due and unsatisfied; and it shall not be necessary that such Warrant of Attorney should be executed in the Presence of an Attorney for such Prisoner; and the Order of the said Court for entering up such Judgment shall be a sufficient Authority to the proper Officer for entering up the same; and such Judgment shall have the Force of a Recognizance or a Judgment under this Act; and if at any Time it shall appear to the Satisfaction of the said Court that such Prisoner is of Ability to pay such Debts or any Part thereof, or that he is dead leaving Assets for that Purpose, the said Court may permit Execution or other Proceeding to be taken out upon such Judgment for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Prisoner according to the Mode herein-before directed in the Case of a Dividend made after Adjudication; and such further Proceedings shall and may be had upon such Judgment as may seem fit to the Discretion of the said Court, from Time to Time, until the whole of the Debts due to the several Persons against whom such Discharge shall have been obtained shall be fully paid and satisfied, together with such Costs as the said Court shall think fit to award; and no Scire facias shall be necessary to revive such Judgment on account of any Lapse of Time, but Execution shall at all Times issue thereon by virtue of the Order of the said Court: Provided always, that in case any such Application against any such Prisoner shall appear to the said Court to be ill-founded and vexatious, it shall be lawful for the said Court not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party or Parties making the same as to the said Court shall appear reasonable, and the said Costs shall be paid accordingly.

LXXIX. And be it enacted, That in case any such Person shall, after he has become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become entitled to or possessed of in his own Right any Stock in the Public Funds of this Country, or other Property, whether the same be in *Ireland* or elsewhere, and such Prisoner shall have refused to convey or assign or transfer such Stock or other Property, or so much thereof as may be sufficient to satisfy the said Judgment, then and in such Case it shall be lawful for the Assignee or Assignees of such Prisoner to apply by Petition in a summary Way, setting forth the Facts of the Case, to the said Court, and

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Prisoner shall execute Warrant of Attorney to confess Judgment for Amount of Debts in Schedule.

Court may permit Execution to be taken out thereupon, when Insolvent is of Ability to pay, or is dead, leaving Assets.

No Scire facias necessary.

If Application is ill-founded, &c. Court may dismiss the same, with Costs.

Where Insolvent shall, after Discharge, become entitled to Property which cannot be taken in Execution, the Assignee may apply to Court for Relief.

Court may order Prisoner to be remanded to Custody until he transfers such Property.

to pray that the said Prisoner may be taken and committed to Custody, notwithstanding any such Adjudication and Discharge as aforesaid; and thereupon, if, upon Examination by the said Court, and hearing as well the said Assignee or Assignees as the said Prisoner, in case he shall appear, or the said Assignee or Assignees only, in case such Prisoner, due Notice having been given to him, shall not appear, it shall appear to the said Court that the Contents of such Petition are true, then and in such Case the said Court shall so declare and adjudge, and shall thereupon order the said Prisoner to be apprehended, and committed to Custody within the Walls of any Prison which the said Court shall direct, until he shall convey, assign, and transfer such Stock or other Property, or so much thereof as the said Court shall direct, towards the Satisfaction of the said Judgment, to such Assignee or Assignees, for the general Benefit of the Creditors of such Prisoner.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.

LXXX. And be it enacted, That in case any Person or Persons, Body Politic or Corporate, shall, after any such Insolvent shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid, become or be possessed of, or have under his or their Power or Control, any Stock in the Public Funds of this Country, or any Legacy Money due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods and Chattels, or any other Property whatsoever belonging to such Insolvent, or held in Trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person or Persons, Body Politic or Corporate, shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person or Persons, Body Politic or Corporate, directing him or them to hold and retain the said Property till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person or Persons, Body Politic or Corporate, to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, into the Bank of *Ireland*, with the Privy of the Chief Clerk of the said Court, or to the Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent entitled to claim under such Judgment entered up by Order of the said Court as aforesaid; and such Delivery and Payment shall be made accordingly, in obedience to such Order; and such Person and Persons, Body Politic and Corporate, shall, by such Payment and Delivery so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes: Provided also, that nothing herein contained shall be deemed or taken to prevent the said Court from authorizing the Assignee or Assignees of such Prisoner proceeding upon the said Judgment which shall be entered up upon the Warrant of Attorney given by such Prisoner

soner in any Manner by this Act provided for Judgment Creditors against the Estate and Effects of Judgment Debtors.

LXXXI. And be it enacted, That no Person who shall have so become entitled to the Benefit of this Act by any such Adjudication as aforesaid shall at any Time thereafter be imprisoned by reason of the Judgment so as aforesaid entered up against him or her according to this Act, unless by the special Order of the said Court, as herein-before mentioned, or for or by reason of any Debt or Sum of Money or Costs with respect to which such Person shall have become so entitled, or for or by reason of any Judgment, Decree, or Order for Payment of the same; but that upon every Arrest or Detainer in Prison upon any such Judgment so entered up as aforesaid, or for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, and such Judge is hereby required, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody, unless it shall appear to such Judge upon Inquiry, that such Adjudication as aforesaid was made without due Notice, where Notice is by this Act required, being given to or acknowledged by the Plaintiff in such Writ or Process, or being by him dispensed with by the Acceptance of a Dividend under this Act, or otherwise; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out such Writ or Process, to pay such Prisoner the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable, such Prisoner, in case of his or her having been arrested upon Mesne Process by special Order as herein-before mentioned, causing a Common Appearance to be entered for him in such Action or Suit.

LXXXII. And be it enacted, That after any Person shall have become entitled to the Benefit of this Act by any such Adjudication as aforesaid no Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Prisoner shall issue on any Judgment obtained against such Prisoner for any Debt or Sum of Money with respect to which such Person shall have so become entitled, nor in any Action upon any new Contract or Security for Payment thereof, except upon the Judgment entered up against such Prisoner according to this Act, and by special Order of the said Court obtained for that Purpose as herein-before mentioned; and that if any Suit or Action shall be brought, or any Scire facias be issued, against any such Person, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Person for the same, except as aforesaid, it shall be lawful for such Person, his Heirs, Executors, or Administrators, to plead generally that such Person was

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.

If arrested, to be released by Judge of the Court from which Process issued, who may order his Costs.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.

Discharge under this Act may be pleaded generally.

duly discharged according to this Act by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially, whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant or Defendants not to be entitled to the Benefit of this Act, or that such Person was not duly discharged according to the Provisions thereof, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

When Debts are satisfied, the Court may order Warrant of Attorney executed by Prisoner to be cancelled, and Satisfaction to be entered on the Judgment;

and a Re-assignment to be executed.

LXXXIII. Provided always, and be it enacted, That if at any Time after any such Adjudication as aforesaid shall have been made with respect to any such Prisoner, in pursuance of this Act, it shall appear to the Satisfaction of the said Court for the Relief of Insolvent Debtors that all the Debts in respect of which such Adjudication was made have been discharged and satisfied or otherwise released, it shall be lawful for such Court, upon Application duly made, to direct the Warrant of Attorney executed by such Prisoner under this Act to be cancelled, or, if Judgment shall have been entered up thereon, to order Satisfaction to be entered on such Judgment, and the Order of the said Court for entering up such Satisfaction shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that, after the Debts of any such Prisoner shall have been so discharged and satisfied or otherwise released as aforesaid, there shall remain in the Possession or vested in or otherwise subject to the Control of his or her Assignee or Assignees any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title by virtue of the Order made in that Behalf, or otherwise, by virtue of his or their Office of Assignee or Assignees, it shall be lawful for the said Court, on Application duly made, to order that all such Property so remaining as aforesaid shall be vested in the Person whose Debt shall have been so discharged and satisfied or otherwise released as aforesaid, or his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly; and that any Deed of Release to be recorded in the said Court by which any such Debt or Debts shall be released or discharged shall not be liable to any Stamp Duty.

Where Error in Schedule without Fraud, this Act to operate upon the actual Amount of Debt.

LXXXIV. 'And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Prisoner as aforesaid may be specified in his Schedule so sworn to as aforesaid at an Amount which is not exactly the actual Amount thereof, without any culpable Negligence or Fraud or evil Intention on the Part of such Prisoner;' be it enacted, That in such Case the said Prisoner shall be entitled to all and every Benefit and Protection of this Act, notwithstanding such Mistake in the Amount of the said Debt in the said Schedule, and the Creditor in that Behalf shall be entitled to the Benefit of all

all the Provisions made for Creditors by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and neither more nor less than the same, to all Intents and Purposes, such Error in the said Schedule notwithstanding.

LXXXV. And be it enacted, That every such Adjudication as aforesaid by the said Court or Commissioner as aforesaid, with respect to any Prisoner, and the Order thereupon so made as aforesaid, shall be final and conclusive, and shall not be reviewed by the said Court, unless the said Court shall thereafter see good and sufficient Cause to believe that such Adjudication has been made on false Evidence, or otherwise improperly made or fraudulently obtained, in which Case it shall be lawful for the said Court, upon the Application of such Prisoner, or of any Creditor of such Prisoner, to order such Prisoner, upon due Notice to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up, and the said Matter to be reheard, before the said Court, or One of the Commissioners thereof on his Circuit, as the Case may require, who shall thereupon rehear the same, and shall and may, if just Cause shall appear, annul the original Adjudication and Order thereupon made in such Case, and shall have the same Powers and Authorities upon such Rehearing as upon any original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Adjudication in the said Matter shall not be confirmed, such Order, Certificate, and Warrant shall be made as required by this Act to be made upon such original Adjudication; and the said Court or Commissioner shall and may, if necessary, remand the said Prisoner to the same Custody in which he was at the Time of the former Hearing of the Matters of his Petition, there to be subject to Imprisonment as if the former Adjudication therein had not been made, and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him as if such former Adjudication had not been made; and the Gaoler or Keeper of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Prisoner shall refuse or neglect to appear before the said Court or Commissioner, according to such Order for Rehearing as aforesaid, a Copy whereof shall have been duly served on such Prisoner, it shall be lawful for the said Court to order such Prisoner to be apprehended and committed to Custody in such Prison as the said Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the said Court or Commissioner shall seem fit: Provided always, that where upon such Rehearing it shall appear to the said Court or Commissioner that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before con-

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Rehearing.

Insolvent refusing to appear may be apprehended, &c.

In Adjudication of Discharge or Rehearing, the Time since former Hearing

not to be calculated.

tained, the said Court or Commissioner shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

Where an Order of Discharge has been issued by Mistake, the Court may revoke and amend the same.

LXXXVI. Provided always, and be it enacted, That if in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the Adjudication made in that Behalf, it shall be lawful for the said Court or Commissioner, on such Error being shown to the said Court or Commissioner, to revoke such Order and Warrant, and to annul, suspend, or amend the same according to such Adjudication, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so recommitment is hereby required to receive such Prisoner into his Custody according to such Recommitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him, as if such erroneous Order or Warrant had not issued.

Prisoner may, after Discharge, be examined as to Estate and Effects, on Application of Assignee.

LXXXVII. 'And whereas the Estate, both Real and Personal, of any Person whose Discharge has been adjudicated under this Act, may not be sufficiently described or discovered in his Schedule so sworn to as aforesaid, or the Assistance of such Person may be necessary to adjust, make out, recover, or manage his Estate or Effects for the Benefit of his Creditors;' be it therefore enacted, That it shall be lawful for the Assignee or Assignees of the Estate and Effects of any such Person whose Discharge shall have been adjudicated under this Act, from Time to Time, to apply to the said Court that such Person may be further examined as to any Matters or Things relating to his Estate and Effects, either by the said Court, or a Commissioner thereof on his Circuit; and in case such Person shall neglect or refuse to appear before such Court or Commissioner at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court or Commissioner by Warrant to commit such Person to such Prison as aforesaid, or to the Common Gaol of any County or Place, there to remain, without Bail or Mainprize, until such Time as he shall submit himself to the Order of the said Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same for the Purposes aforesaid.

Prisoner refusing to appear or to answer Questions may be committed.

Persons wilfully omitting any thing in the Schedule guilty

LXXXVIII. And be it enacted, That in case any Prisoner whose Estate shall, by an Order under this Act, have been vested in the said Provisional Assignee shall, with Intent to defraud

defraud the Creditors or Creditor of such Prisoner, wilfully and fraudulently omit in his Schedule, so sworn to as aforesaid, any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other Necessaries, Property of greater Value than Fifteen Pounds, every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor; and thereupon it shall be lawful for the Court before whom such Offender shall have been so tried and convicted to sentence such Offender to be imprisoned and kept to hard Labour for any Period of Time not exceeding Three Years; and that in every Indictment or Information against any Person for any Offence under this Act it shall be sufficient to set forth the Substance of the Offence charged on the Defendant, without setting forth the Petition or Order vesting such Prisoner's Estate in the Provisional Assignee, Appointment of Assignee or Assignees, or Balance Sheet, Order for Hearing, Adjudication, Order of Discharge or Remand, or any Warrant, Rule, Order, or Proceeding of or in the said Court, except so much of the Schedule of such Prisoner as may be necessary for the Purpose of showing such wilful and fraudulent Omission.

of a Misdemeanor, and liable to 3 Years Imprisonment, and hard Labour.

Indictment need only set out Substance of Offence charged.

LXXXIX. And be it enacted, That if any Prisoner or other Person taking an Oath under the Provisions of this Act shall wilfully forswear and perjure himself in any Oath to be taken under this Act, and shall be lawfully convicted thereof, the Person so offending shall suffer such Punishment as may by Law be inflicted on Persons convicted of wilful and corrupt Perjury; and that in all Cases wherein by this Act an Oath is required the solemn Affirmation or Declaration of any Person being a Quaker or other Person by Law allowed to affirm or declare shall and may be accepted and taken in lieu thereof; and that every Person making such Affirmation or Declaration, who shall be convicted of wilful false Affirmation or Declaration, shall incur and suffer such and the same Penalties as are inflicted and imposed upon Persons convicted of wilful and corrupt Perjury.

Persons swearing falsely under this Act liable to Punishment inflicted for Perjury.

XC. And be it enacted, That the Provisions of this Act shall extend to Married Women being Prisoners within the Intent and Meaning of this Act, but that the Order of the said Court vesting the Estate and Effects of any such Married Woman in such Provisional Assignee as aforesaid shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession; except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Fifteen Pounds, and upon all other Real and Personal Estate and Effects to

Provisions of Act extended to Married Women.

which she shall be entitled in any Manner whatsoever, in Possession, Remainder, or Reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner whose Estate shall under this Act be vested in the said Provisional Assignee shall apply to such Real and Personal Estate and Effects respectively, in the same Manner as the same would apply to such Real or Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein; and such Married Woman shall also execute a Warrant of Attorney to confess Judgment in one of the Superior Courts aforesaid for the Amount of the Debts remaining unpaid from which she shall be so discharged as aforesaid, and such Warrant of Attorney so executed shall be sufficient Authority for entering up Judgment against such Woman accordingly, notwithstanding the Coverture; but such Judgment shall not in any Manner prejudice or affect the Rights of her Husband, except that the same shall be deemed and taken to be her Debt, in case she shall die in the Lifetime of such Husband, to the end that the same may be discharged out of her Personal Assets in a due Course of Administration, or out of her Real Estate (if any) she shall have at the Time of her Death, but without Prejudice to any Estate or Interest of her Husband therein as Tenant by the Courtesy; and in case such Woman shall, during the Lifetime of her Husband, become entitled to any Property for her separate Use, such Judgment may be enforced against such separate Property, by Suit in Equity, or otherwise under the Order of the said Court, for the Purpose of obtaining Payment of so much of the Debts in respect of which such Woman shall have been discharged by the said Court as shall then remain unpaid; and in case such Woman shall survive her said Husband such Judgment may be after his Death enforced against such Woman, or her Property, Real and Personal, in such and the same Manner and with the same Effect as it might have been if she had been sole and unmarried at the Time when she executed such Warrant of Attorney, and at the Time when such Judgment shall have been entered up as aforesaid: Provided always nevertheless, that the Discharge of any Married Woman under the Authority of this Act shall not operate to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

XCI. And be it enacted, That if any Person who shall at any Time be a Prisoner in any such Prison as aforesaid, upon any such Process as aforesaid, shall be or become of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as he or she might have done if of sound

Mode of proceeding with Prisoners of unsound Mind.

sound Mind, the Gaoler or Keeper of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be to attend at the said Prison, and inquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the said Court; and thereupon it shall be lawful for the said Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be inserted in the *Dublin Gazette*, and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the said Court shall see fit, that Application will be made to the said Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published; which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the said Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of this Act; and the said Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind; and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which if such Prisoner was of sound Mind could or ought to be vested in the said Provisional Assignee, pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the said Court for the Discharge of such Prisoner, be vested in the Provisional Assignee of the said Court, or in the other Assignee or Assignees appointed by the said Court, and named in the said Order, or in any other Order of the said Court in that Behalf, as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound

Application
may be made
by Persons on
behalf of such
Prisoners.

Court may discharge such
Prisoners, and
may appoint
Assignees.

Court may
order Judgment
to be entered
up.

sound Mind, and such Order as aforesaid had been made vesting the same in such Provisional Assignee, at the Time and in the Manner in this Act provided; and that it shall be lawful for the said Court to order Judgment to be entered up against such Prisoner in the same Manner as if he or she had been of sound Mind, and had executed a Warrant of Attorney to authorize the entering up of such Judgment in the Manner herein-before directed; and such Order shall be a sufficient Authority to the proper Officer for entering up the same; and any Dividend to be made by such Assignee or Assignees shall be made in such Manner, and such Proceedings shall be thereupon had, as are herein-before provided in the Case of a Dividend of the Estate and Effects of any Prisoner made before Adjudication; and the Discharge of every such Prisoner of unsound Mind so made as aforesaid shall extend to all Debts and Sums of Money to which the same might have extended if such Prisoner had been of sound Mind, and had duly filed his Schedule according to the Provisions of this Act: Provided always, that every such Order of Discharge, and of the Appointment of an Assignee or Assignees in such Case, shall be entered of Record in the said Court, and Proof thereof shall be received by such Copy thereof as is herein-before directed to be received as Proof of Conveyances and Assignments made in pursuance of this Act.

This Act not
to extend to dis-
charge Crown
Debtors, &c.
unless Treasury
give Consent.

XCII. And be it enacted, That this Act shall not extend or be construed to extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless Three of the Commissioners of Her Majesty's Treasury for the Time being shall certify under their Hand their Consent to such Discharge.

Prisoner under
Writ of Capias
or Extent may
apply to the
Barons of the
Exchequer to
be discharged.

XCIII. And be it enacted, That it shall be lawful for any Person who may now or shall hereafter be imprisoned under or by virtue of any Writ of Capias or Extent issued and remaining in force at the Instance or for the Benefit and Reimbursement of any Surety or Sureties, or other Person or Persons, or the Inhabitants of any Parish, Ward, or Place, who shall or may have advanced and paid the Debt to the Crown, and by reason whereof the Commissioners of Her Majesty's Treasury may not be authorized to give their Consent as last aforesaid, to apply to the Barons of Her Majesty's Court of Exchequer in *Ireland* for his Discharge, giving One Month's previous Notice in Writing to the Surety or Sureties or Person or Persons aforesaid, or to the Churchwardens or Overseers of the Parish, Ward, or Place at whose Instance or for whose Benefit respectively such Capias or Extent shall remain in force, of the Intention of such Person so imprisoned to make such Application, and an Enumeration and Description of all and every the

the Property, Debts, and Effects whatsoever of such Person in his own Possession or Power, or in the Possession or Power of any other Person or Persons for his or her Use, and for the said Court to whom such Application shall be made to order such Person to be brought before them, or before any Baron of the said Court, to be examined upon Oath touching and concerning his Property and Effects, and if such Person shall upon such Examination make a full Disclosure of all his Property and Effects, and it shall otherwise appear to the Satisfaction of such Court reasonable and proper that such Person should be no longer imprisoned under such Writ, for such Court or Baron to order a Writ of Supersedeas quoad corpus to be issued out of the said Court for the Liberation of such Person from such Imprisonment: Provided always, that no such Liberation as aforesaid shall be held or deemed to satisfy or supersede such Extent, or any Proceeding thereon, except as to such Imprisonment as aforesaid, or the Debt or Debts seized under and by virtue thereof, and for which such Person shall be so imprisoned.

XCIV. And be it enacted, That the proper Officer of the said Court for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Prisoner as aforesaid, or of any Creditor or Creditors of such Prisoner, or his, her, or their Attorney, produce and show to such Prisoner, Creditor or Creditors, and his, her, or their Attorney, at such Times as the said Court shall direct, such Petition, vesting Order, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had in the Matter of such Petition, and all Books, Papers, and Writings filed in such Matter, and permit him, her, or them to inspect and examine the same, and shall provide for any such Prisoner, Creditor or Creditors, or his or their Attorney, or any other Person requiring the same, a Copy or Copies of any such Petition, vesting Order, Schedule, Order of Adjudication, or other Order or Proceeding, or of such Part thereof as shall be so required, receiving such Fee as is herein-before directed to be paid for other Copies of Proceedings in the said Court for so providing the same; and that a Copy of such Petition, vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, vesting Order, Schedule, Order of Adjudication, or other Proceeding, and purporting to be sealed with the Seal of the said Court, shall at all Times be admitted in all Courts and Places whatever as sufficient Evidence of the same, without any other Proof whatever given of the same.

Officer of the Court to produce Proceedings and give Copies.

Copies of such Proceedings under Seal to be admitted as Evidence.

XCV. And be it enacted, That every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do any thing in obedience to any Order of the said Court for the Relief of Insolvent Debtors, or of any Commissioner thereof, or of any Officer of the said Court, by virtue of this Act, shall be and is and are hereby indemnified for whatsoever shall be done by them respectively

Sheriffs, &c. indemnified for obeying Orders of Court.

If Action for Escape, &c. brought, the General Issue may be pleaded, and this Act given in Evidence.

What shall be sufficient to be set forth in the Rules and Proceedings of the Court.

Before whom Affidavits are to be sworn.

spectively in obedience thereto; and that if any Action of Escape, or any Suit or Action, be brought against any Judge, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of any Prison, or any Person, for performing the Duty of his Office in pursuance of this Act, such Judge, Commissioner, Justice of the Peace, Sheriff, Gaoler, Keeper of Prison, and other Person may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff be nonsuited, or discontinue his or her Action, or a Verdict shall pass against him or her, or Judgment shall be had for the Defendant upon Demurrer, the Defendant shall have Treble Costs.

XCVI. And be it enacted, That in all Rules, Orders, Warrants, and other Proceedings of the said Court, or of any Commissioner thereof, under this Act, it shall be sufficient to set forth such Rule, Order, or Warrant, or in case of a Warrant for the Apprehension or Detention of any Person for a Contempt in disobeying any Order or Rule of the said Court, or for the Apprehension or Detention of any Person for the Appearance of such Person before the said Court or any Commissioner thereof, according to this Act, or for the enforcing any Rule or Order of the said Court, it shall be sufficient to set forth such Rule or Order, and the Warrant thereon, and that the Insolvent in any Order, Rule, Warrant, or other Proceeding mentioned has been duly discharged under this Act or some other Act for the Relief of Insolvent Debtors, if he has been so discharged, or if he has not been so discharged that he has applied by Petition to the said Court for his or her Discharge from Custody according to the Provisions of this Act, without setting forth in any such Order, Rule, Warrant, or other Proceeding the Petition, Order vesting the Estate of any such Prisoner in the Provisional Assignee, Appointment of Assignee or Assignees, or the Schedule, Balance Sheet, Order for Hearing, Adjudication, Order for Discharge, or any other Rule, Order, or Proceeding of or in the said Court, or any Part thereof, except as aforesaid.

XCVII. And be it enacted, That all Affidavits to be used before the said Court or any Commissioner thereof, or any Officer of the said Court, shall and may be sworn before the said Court or any Commissioner thereof, or any Commissioner appointed by the said Court for the Purpose of taking Affidavits, or any of the Superior Courts of Law, or any Justice of the Peace in his proper Jurisdiction, or any Master Extraordinary in Chancery, or Commissioner for taking Affidavits in any of the Superior Courts of Law in *Dublin*, or any Inspector or Governor of any County Gaol in *Ireland*, or in *England* or *Scotland* before a Magistrate of the County, Division, City, Town, or Place where the said Affidavit shall be sworn, or any Commissioner of the Court for Relief of Insolvent Debtors in *England*, or any Officer of the said Court in *England* authorized to take Affidavits in the said Court in *England*, and the said several Persons are hereby authorized and required to administer the same accordingly.

XCVIII. And

XCVIII. And be it enacted, That no Fee whatever shall be taken or received by any Court, Officer, or Person whatsoever for or in respect to the swearing of any Affidavit of the Service of such Order of the said Court for Relief of Insolvent Debtors in *Ireland* as aforesaid, appointing a Time and Place for any such Prisoner as aforesaid to be brought up before such Court, or a Commissioner thereof on his Circuit, to be dealt with according to the Provisions of this Act.

No Fees payable for swearing Affidavits.

XCIX. And be it enacted, That in all Cases in which the said Court or any Commissioner thereof is or are by this Act authorized to award Costs against any Person or Persons it shall be lawful for the said Court to cause such Costs to be recovered from such Person or Persons in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Dublin* may be recovered.

Recovery of Costs.

C. And be it enacted, That the said Court for the Relief of Insolvent Debtors shall and may admit, at their Discretion, any Number of fit Persons, being Attornies of any of the Superior Courts at *Dublin*, to practise in the said Court as Attornies on behalf of such Prisoners in such actual Custody as aforesaid, which Admissions shall in all Cases be made without the Payment of any Fee or Gratuity whatsoever, and shall be filed of Record in the said Court as aforesaid; and that in case any Person not so admitted on the Files of the said Court, or having after such Admission been removed from the said Files, or ceased to be an Attorney of any of the Superior Courts at *Dublin*, shall practise in the said Court as an Attorney on behalf of any Prisoner in such actual Custody as aforesaid, he shall be deemed and taken to be guilty of a Contempt of the said Court, and that every Person so guilty of any such Contempt as aforesaid shall be liable to fine as well as Imprisonment for the same; and it shall and may be lawful for any Person, being sworn and admitted an Attorney in any of the Superior Courts in *Dublin*, and who shall obtain, and produce to the proper Officer of the said Court, his annual Certificate of his having duly paid the Stamp Duty payable by him as such Attorney, as is or may be required by any Act now in force or hereafter to be passed in relation to such Stamp Duty, to practise in the said Court as an Attorney of the said Court; and that in case any Person not so sworn and admitted as last aforesaid, or who shall not have obtained and produced such annual Certificate as aforesaid, shall practise in the said Court as an Attorney on behalf of any Person, he shall be deemed and taken to be guilty of a Contempt of the said Court; and if any Person shall, with or without the Authority or Direction of an admitted Attorney of the said Court, act or undertake to act in any Manner on behalf of such Prisoner in actual Custody, for the Purpose of enabling such Prisoner to obtain his Discharge under this Act, and shall be guilty of wilful Negligence or other Misconduct whatsoever in relation thereto, every such Person so offending shall be deemed and taken

Court to admit Attornies to practise therein.

Persons not duly appointed, practising as Attornies, guilty of Contempt.

Insertion of
Advertisements
in Newspapers.

taken to be guilty of a Contempt of the said Court, and shall be liable to be punished for the same accordingly.

CI. And be it enacted, That all Printers and Proprietors of Newspapers shall and they are hereby required to insert any Advertisement or Advertisements by this Act directed to be inserted in any Newspaper, on Payment of such reasonable Compensation for the Insertion thereof, and in such Form, as the said Court, or any Commissioner thereof, shall from Time to Time direct.

Proceedings
not liable to
Stamp Duty
nor Sales to
Auction Duty.

CII. And be it enacted, That no Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever, before or under any Order of the said Court, or before or under any Order of any Commissioner thereof, nor any Copy thereof, nor an Advertisement inserted in any Newspaper by the Direction of the said Court or a Commissioner thereof, or the Chief Clerk of the said Court, relating to Matters within the Jurisdiction of the said Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever: and that no Sale of any Real or Personal Estate of any such Prisoner as aforesaid for the Benefit of his or her Creditors under this Act shall be liable to any Auction Duty.

Court may in-
vest unclaimed
Money, and
apply Profit
towards Ex-
pences of the
Court.

CIII. 'And whereas it may happen that Money may remain in the said Court, produced by the Estates and Effects of Insolvent Debtors who have taken the Benefit of this or some other Act for the Relief of Insolvent Debtors, which has not been or may not be claimed by the Assignees or Creditors of such Insolvents;' be it enacted, That it shall be lawful for the said Court to cause the same or any Part thereof to be invested in Government Securities, and to apply the Interest and Profit arising therefrom towards defraying the Expences of the said Court: Provided always, that no such Money shall be so invested until the same shall have been in the Hands of the said Court for Twelve Months at the least.

Court em-
powered, out of
Profit arising
from unclaimed
Money, to direct
the Payment of
Expences of
Prisoners Dis-
charge.

CIV. And be it enacted, That it shall be lawful for the said Court for the Relief of Insolvent Debtors, in its Discretion, to direct that the Expences of applying for and obtaining the Discharge of any Prisoner under this Act, or any Part of such Expences, may and shall be paid out of the Estate and Effects of such Prisoner which may be in the Hands of the Provisional or other Assignee or Assignees under this Act, and if the same shall not be sufficient for that Purpose, then that such Expences, or any Part thereof, may and shall, in Cases where the said Court shall be satisfied that the Prisoner has not the Means of defraying the same, be paid and advanced out of the Interest and Profit arising from any Government Securities upon which any unclaimed Money produced by the Estates and Effects of Insolvent Debtors may be invested; and in every such last-mentioned Case the Estate and Effects of such Prisoner which may then be or may thereafter come to the Hands and be vested in the Provisional or other Assignee or Assignees under

under this Act shall be liable, in the first place, to repay the Money so advanced and paid; and the said Court is hereby authorized to make such Order or Orders as shall be necessary for the Purpose.

CV. And be it enacted, That all the Records, Papers, Documents, and Money of and belonging to or received under the Authority of the said Court now established for the Relief of Insolvent Debtors, and hereby continued as aforesaid, shall from and after the passing of this Act remain and continue in the Custody of the Officers of the said Court now duly having the Custody of the same respectively, or of such Officer or Officers as the said Court shall at any Time direct to receive the same; and that the said Records shall be deemed and taken to be the Records of the said Court so hereby continued as aforesaid.

Records of the Court.

CVI. And be it enacted, That all Records, Documents, and Papers of and concerning Persons discharged by virtue of an Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Relief of Insolvent Debtors in Ireland*, or of an Act passed in the Fifty-fourth or of another Act passed in the Fifty-sixth Year of the Reign of His said Majesty, to amend the said Act of the Fifty-third Year, which shall not already have been delivered over, shall immediately after the passing of this Act be delivered over to the Chief Clerk of the said Court by the Officer or Officers or other Persons having the Custody of the same, and which said Records shall be deemed and taken to be the Records of the said Court.

Records of the Court for Relief of Insolvent Debtors under former Acts to be delivered into the Custody of the Chief Clerk.

CVII. And be it enacted, That this Act shall extend to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that whenever this Statute hath used Words importing the Singular Number or the Masculine Gender only it shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that this Act shall not extend either to *Scotland* or *England*, except where expressly mentioned.

Construction of Act.

CVIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *November* in the Year One thousand eight hundred and forty.

Commencement of Act.

CIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

CAP. CVIII.

An Act for the Regulation of Municipal Corporations
in Ireland. [10th August 1840.]

‘ WHEREAS divers Bodies Corporate at sundry Times have been constituted within the Cities, Towns, Counties of Cities, Counties of Towns, and Boroughs of *Ireland*, to the Intent that the same might for ever be and remain well regulated and quietly governed; and it is expedient that the Charters by which several of the said Bodies Corporate are constituted should be altered in the Manner herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of all Laws, Statutes, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent, Rules, Orders, and Directions, now in force relating to the several Boroughs named in the Schedules (A.), (B.), and (I.) to this Act annexed, or to the Inhabitants thereof, or to the several Bodies or reputed or late Bodies Corporate named in the said Schedules, or any of them, as is inconsistent with or contrary to the Provisions of this Act, shall be repealed and annulled, from the Time when this Act shall come into operation in each of such Boroughs respectively.

see c. 109 book
546 & c. 46, 77, 95,
96, - 687 & c. 93
849 & c. 60, 121

Repeal of all
Acts, Charters,
and Customs
inconsistent
with this Act.

Reservation of
all Right of
Property and
beneficial Ex-
emptions to
Freemen, their
Wives and
Children.

II. And be it enacted, That every Person who now is or hereafter may be an Inhabitant of any Borough named in either of the said Schedules (A.), (B.), and (I.), and also every Person who has been admitted or who might hereafter have been admitted a Freeman or Burgess of any such Borough, if this Act had not been passed, otherwise than by Gift or Purchase, or who now is or hereafter may be the Wife or Widow or Son or Daughter of any Freeman or Burgess or of any Person who shall have been entitled to be admitted a Freeman or Burgess of any such Borough as aforesaid, or who may have espoused or may hereafter espouse the Daughter or Widow of any such Freeman or Burgess or of any such Person as last aforesaid, or who has been or may hereafter be bound an Apprentice to any such Freeman or Burgess or any such Person as last aforesaid, shall have and enjoy and be entitled to acquire and enjoy the same Share and Benefit of the Lands, Tenements, and Hereditaments, and of the Rents and Profits thereof, and of the Common Lands and Public Stock of any such Borough or Body Corporate, and of any Lands, Tenements, and Hereditaments, and any Sum or Sums of Money, Chattels, Securities for Money, or other Personal Estate of which any Person or any Body Corporate may be seised or possessed, in whole or in part, for any charitable Uses or Trusts, as fully and effectually and for such Time and in such Manner as he or she, by any Statute, Charter, Bye Law, or Custom in force at the Time of passing this Act, might or could have had, acquired,

acquired, or enjoyed the same in case this Act had not been passed: Provided always, that the total Amount to be divided amongst the Persons whose Rights are herein reserved in this Behalf shall not exceed the Surplus which shall remain after Payment of the Interest of all lawful Debts chargeable upon the Real or Personal Estate out of which the Sums so to be divided have arisen, together with the Salaries of Municipal Officers and all other lawful Expences which on the Fifth Day of *June* One thousand eight hundred and thirty-five were defrayed out of or chargeable upon the same: Provided also, that nothing herein-before contained shall be construed to apply to any Claim, Right, or Title of any Burgesses or Freemen, or of any Person to any Discharge or Exemption from any Tolls or Dues levied wholly or in part by or to the Use or Benefit of any Borough or Body Corporate.

III. And be it enacted, That after the passing of this Act no Person shall have or be entitled to claim thenceforward any Discharge or Exemption from any Tolls or Dues lawfully levied, in whole or in part, by or to the Use of any Body Corporate, except as herein-after is excepted: Provided nevertheless, that every Person who on the said Fifth Day of *June* One thousand eight hundred and thirty-five was an Inhabitant, or was admitted or was entitled to be admitted a Freeman or Burgess of any such Borough, or who on the said Fifth Day of *June* was the Wife or Widow, Son or Daughter of any Freeman of any Borough, or who on the said Fifth Day of *June* was bound an Apprentice, shall be entitled to have or acquire and enjoy the same Discharge or Exemption from any Tolls or Dues lawfully levied, in whole or in part, by or to the Use of any Borough or Body Corporate, as fully and for such Time and in such Sort as he or she by any Statute, Charter, Bye Law, or Custom in force on the said Fifth Day of *June* might or would have had, acquired, and enjoyed the same if this Act had not been passed, and no further or otherwise.

IV. And be it enacted, That nothing in this Act contained shall be construed to entitle any Person to any Share or Benefit of the Rights herein reserved who shall not have first fulfilled every Condition which if this Act had not passed would have been a Condition precedent to his or her being entitled to the Benefit of such Rights, so far as the same is capable of being fulfilled, according to the Provisions of this Act, or to strengthen, confirm, or affect any Claim, Right, or Title of any Burgesses or Freemen of any Borough or Body Corporate, or of any Person, to the Benefit of any such Rights as are herein-before reserved, but the same in every Case may be brought in question, impeached, and set aside in like Manner as if this Act had not been passed; and where, by any Statute, Charter, Bye Law, or Custom in force within any Borough at the Time of passing this Act, any Person whose Rights in this Behalf are herein-before reserved would have been liable, in case this Act had not been passed, to pay any Fine, Fee, or Sum of Money to any Body Corporate, or to any Member, Officer, or Servant

None to be exempted from Tolls but those who were so on 5th June 1835.

Conditions of Admission to be fulfilled as heretofore.

of any Body Corporate, in consideration of his Freedom, or of his or her Title to such Rights as are herein reserved, no such Person shall be entitled to have or claim any Share or Benefit in respect of the Rights herein reserved as aforesaid, until he or she shall have paid the full Amount of such Fine, Fee, or Sum of Money in manner following; (that is to say,) if such Rights be within any Borough named in the said Schedule (A.), or in any Borough named in the said Schedule (B.) to which a Charter of Incorporation shall have been granted as herein-after is mentioned, to the Treasurer of such Borough appointed under the Provisions of this Act, on account of the Borough Fund herein-after mentioned; but if such Rights be within any Borough named in the said Schedule (B.) to which no such Charter of Incorporation shall have been granted, then to such Person as the Commissioners or Guardians of the Poor herein-after mentioned, and if within any Borough named in the Schedule (I.) to this Act annexed then as the Guardians of the Poor herein-after mentioned, shall appoint to receive the same, to be applied respectively to the public Benefit of the Inhabitants thereof.

No Freedom by
Gift or Pur-
chase.

V. And be it enacted, That after the passing of this Act no Person shall be elected, made, or admitted a Burgess or Freeman of any Borough by Gift or Purchase.

Reservation of
the Parliamen-
tary Franchise
to Freemen.
2 & 3 W. 4. c. 88.

VI. ' And whereas by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty, intituled *An Act to amend the Representation of the People of Ireland*, it was enacted, that all Freemen, Freeholders, and Persons who by reason of any corporate or other Right were then by Law entitled to vote at the Election of a Member or Members to serve in Parliament for any City, Town, or Borough, and all Persons who by reason of Birth, Marriage, Service, or of any Statute then in force, should be at any Time thereafter admitted to their Freedom in any City, Town, or Borough sending a Member or Members to Parliament, should, subject to the Conditions and Provisions in that Act contained, have and enjoy such Right of voting as fully and in like Manner as if that Act had not been passed; ' be it enacted, That all Persons now entitled to vote at the Election of a Member or Members to serve in Parliament for any Borough named in either of the said Schedules (A.) and (B.) shall continue to enjoy such Right as fully as if this Act had not been passed; and that every Person who if this Act had not been passed would have had a Right to be admitted a Freeman or Burgess of any such Borough as aforesaid, or to be placed on the Roll of Freemen or Burgesses of any such Borough as aforesaid, in order to be registered, and to vote in the Election of a Member or Members to serve in Parliament, or might hereafter have been entitled to acquire in respect of Birth, or Marriage, or Servitude, or of any Statute then in force, as a Freeman or Burgess of such Borough, the Right of voting in the Election of a Member or Members to serve in Parliament for such Borough, shall

shall be entitled, if such Borough be one of the Boroughs named in the said Schedule (A.), or one of the Boroughs to which a Charter of Incorporation shall have been granted as herein-after is mentioned, to be admitted a Freeman or Burgess of such Borough and placed on the "Freemen's Roll" of such Borough, and to acquire and enjoy such Right of voting as fully as if this Act had not been passed; and if such Borough be one of the Boroughs named in the said Schedule (B.) to which no such Charter of Incorporation as aforesaid shall have been granted, to acquire and enjoy, without having been admitted a Freeman or Burgess, such Right of voting as fully as if this Act had not been passed, and he had been admitted a Freeman or Burgess, provided he shall be enrolled on the "Freemen's Roll" of such Borough, according to the Provisions herein-after contained.

VII. And be it enacted, That in every Borough named in either of the Schedules (B.) and (I.) to which no Charter of Incorporation shall have been granted by virtue of this Act, the Lord Lieutenant of *Ireland* shall appoint, from Time to Time, a fit Person to make out a List, to be called "The Freemen's Roll" of such Borough, and to act in respect thereto as herein-after mentioned.

Lord Lieutenant to appoint a Person to make out a "Freemen's Roll" in certain Places.

VIII. And be it enacted, That the Town Clerk of every Borough shall, on or before the First Day of *October* next after this Act shall come into operation in that Borough, make out a List to be called "The Freemen's Roll," of all Persons who shall have been admitted as Freemen or Burgesses of such Borough; and that whenever any Person who has, or shall have, or, if this Act had not been passed, would have had a Right to be admitted a Freeman or Burgess for the Purposes aforesaid, of such Borough, in respect of Birth, Servitude, or Marriage, or any Statute so in force, shall claim to be admitted accordingly, the Mayor in any Borough named in Schedule (A.) to this Act annexed, or in any Borough named in either of the Schedules (B.) and (I.) to this Act annexed, to which a Charter of Incorporation shall have been granted, as herein-after mentioned, and in any Borough named in either of the said Schedules (B.) and (I.) to which no such Charter of Incorporation shall have been granted, such fit Person to be so appointed by the Lord Lieutenant of *Ireland* as aforesaid, shall, within Seven Days after the making thereof, examine into such Claim, and upon such Claim in respect of Birth, Servitude, or Marriage, or of any Statute now in force, being established, every such Person shall thereupon be admitted and enrolled by the Town Clerk of such Borough upon the said "Freemen's Roll;" and the Town Clerk shall attend at the Examination into every such Claim, and shall then and there produce the Corporation Books and other Documents relating to the Admission of Freemen, and shall at all reasonable Times, when required, permit the Inspection of such Books and Documents by the Claimant or by any Person or Persons acting on his Behalf, or any registered Parliamentary Elector of such

Town Clerk to make a Freemen's Roll.

Borough; and the Town Clerk shall keep a true Copy of the said Freeman's Roll, to be perused by any Person, without Payment of any Fee, at all reasonable Times, and shall deliver a Copy thereof or Extract therefrom to any Person requiring the same, on Payment of a reasonable Price for such Copy or Extract, not exceeding the Sum of Three-pence for every Hundred Names, and so in proportion for any lesser Number: Provided always, that the Right of every Person enrolled on the "Freemen's Roll" to be registered for or to vote at the Election of a Member or Members to serve in Parliament may be questioned in like Manner as if this Act had not been made, and shall not be in any Manner confirmed or prejudiced by such Enrolment.

Appeal to the Court of Queen's Bench in Dublin against the Rejection or Admission of a Claim to Freeman's Roll.

IX. And be it enacted, That in case any Person who shall have so claimed as aforesaid shall not be admitted and enrolled upon the said "Freemen's Roll," in pursuance of such Claim, it shall be lawful for such Person to appeal to the Court of Queen's Bench in *Dublin*; and the Right of every Person who shall have been admitted and enrolled upon the said "Freemen's Roll" may be questioned within the Period now limited by Law in *Ireland* for Informations of Quo warranto by a similar Appeal, by any registered Parliamentary Elector for the Borough in which such Freeman's Roll shall be made; and such Court shall have Power, on Motion, to adjudicate upon the Right of such Person to be so admitted and enrolled, and also upon such Motion to award, at the Discretion of the Court, Costs, not exceeding Ten Pounds, to be recoverable by Civil Bill: Provided always, that the Right of any Freeman heretofore admitted shall not be questioned unless it could have been questioned by Quo warranto previously to the passing of this Act.

Costs.
Proviso.

Clerk to attend with the Corporation Documents, including the Freeman's Roll, and to insert or erase the Name of Claimant, &c.

X. And be it enacted, That the Town Clerk of the Borough, after Service at his Office of Seven Days written Notice to him of any such Appeal, shall attend at the Hearing of the Case, and shall produce, in open Court, the said Freeman's Roll, and all other Corporation Documents necessary for the Investigation of the Case; and such Town Clerk shall, upon the Order of the said Court, in open Court, enrol the Name of the Claimant upon such Roll, or erase his Name therefrom, as the Decision in each Case shall require.

As to Boroughs in which there is no Town Clerk;

XI. And be it enacted, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be incapable of acting, all Matters by this Act required to be done by or with regard to the Town Clerk, not herein-before otherwise provided for, shall be done by and with regard to the Person executing Duties in such Borough similar to those of Town Clerk; and if there be no such Person, or if such Person be incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that Behalf; and if there shall be no Mayor, the Lord Lieutenant shall appoint, by Writing under his Hand, a proper Person to perform such Duties required to be done by and with regard

regard to the Town Clerk under this Act; and in Extra-parochial Places, and in Parishes where there is no Churchwarden, or where the Churchwarden may be absent or incapable of acting, the Lord Lieutenant shall appoint, by Writing under his Hand, a proper Person to perform the Duty of Churchwarden under this Act, and the Acts of such Person shall be as valid as if done by a Churchwarden.

and Places
where there is
no Church-
warden.

XII. ' And whereas it is expedient that the Boroughs named ' in the Schedule (A.) to this Act annexed should continue to ' be Towns Corporate: And whereas it may be expedient that ' some of the Boroughs named in the Schedule (B.) to this ' Act annexed, which now are Towns Corporate, and also ' sundry other Towns in *Ireland*, not named in the Schedules ' to this Act annexed, in some of which the Corporations have ' been extinct, and others of which never have been Towns ' Corporate, should receive Charters of Incorporation under ' this Act: And whereas it is also expedient to make Pro- ' vision for the Administration of the Corporate Funds of ' those Boroughs named in the said Schedule (B.) to which ' Charters of Incorporation under this Act shall not be granted, ' pursuant to the Provisions herein-after contained;' be it enacted, That after the First Election of Councillors under this Act in any Borough named in the said Schedule (A.) the Body or reputed Body Corporate named in the said Schedule in connexion with such Borough shall take and bear the Name of the Mayor, Aldermen, and Burgesses of such Borough, except the Corporation of *Dublin*, which shall bear the Name of the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, and by those Names shall have perpetual Succession, and shall be capable in Law, by the Council herein-after mentioned of such Borough, to do and suffer all Acts which such Bodies Corporate lawfully may do and suffer, and shall be entitled to, invested with, and possessed of all the lawful Franchises, Rights, Trusts, Powers, Authorities, Properties, and Estates now or of late legally vested in or belonging, or which of Right ought to belong, to such Boroughs or Bodies Corporate respectively, solely or jointly with any other Person or Body Corporate, save only those in respect of which other Provisions are herein contained, but subject to such Mortgages, Charges, Debts, and Incumbrances, Rents, Contracts, Covenants, and Conditions as the same respectively now are subject or liable to; and the Mayor of each of the said Boroughs shall be capable in Law to do and suffer all Acts which the Chief Officer of such Borough might or may lawfully do and suffer, so far as such Powers, Rights, Trusts, and Privileges respectively are not altered or annulled by the Provisions of this Act.

Corporations in
Schedule (A.)
to be styled the
Mayor, Alder-
men, and Bur-
gesses.

XIII. And be it enacted, That from and immediately after the passing of this Act the Body or reputed Body Corporate named in the said Schedule (B.) to this Act annexed in connexion with the Borough of *Galway* shall be dissolved, and that on the Twenty-fifth Day of *October* One thousand eight

Corporations in
Schedule (B.)
dissolved.

hundred and forty in every Borough named in the Schedules (B.) and (I.) respectively to this Act annexed in which there shall have been then elected any Commissioners under the Act of the Ninth Year of the Reign of King *George* the Fourth herein-after mentioned, and in every Borough named in the Schedule (H.) to this Act annexed where in any Union in which such Borough shall be situate there shall be then Guardians of the Poor, and on the Twenty-fifth Day of *October* in the Year One thousand eight hundred and forty-one in every other Borough named in the Schedules (B.) and (I.) respectively to this Act annexed, the Body or reputed Body Corporate named in each of the said Schedules (B.) and (I.) respectively in conjunction with that Borough shall be dissolved, and this Act shall then come into operation in every such Borough.

The Queen
empowered to
grant Charters
of Incorpora-
tion.

XIV. And be it enacted, That if a Petition to grant a Charter of Incorporation under this Act to the Inhabitants of any Borough named in the Schedule (B.) to this Act annexed, or to the Inhabitants of any other Town in *Ireland*, in which the Population, according to the Census or Abstract then last laid before both Houses of Parliament as by Law required, shall exceed the Number of Three thousand, signed by a Majority of such of the Inhabitants thereof as shall be rated to the Relief of the destitute Poor, under the Act for the Relief of the destitute Poor in *Ireland*, shall be presented to Her Majesty; and if the Persons who shall have signed such Petition shall include a Majority also of such of the Inhabitants of such Borough would be qualified (so far as such Qualification can be ascertained from the Assessment of the Poor Rate made under the Act for the more effectual Relief of the destitute Poor in *Ireland*) to have been enrolled on the Burgess Roll of such Town, if the same had been named in the said Schedule (A.), and such Burgess Roll had been made according to the Provisions herein-after contained, then and in every such Case it shall be lawful for Her Majesty, by any such Charter, if by the Advice of Her Privy Council She shall think fit to grant the same, to extend to the Inhabitants of any such Borough or Town, within the District to be set forth in such Charter, the Powers and Provisions in this Act contained; provided that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published by Royal Proclamation in the *Dublin Gazette* One Calendar Month at least before such Petition shall be so considered: Provided also, that, within Six Weeks after the Commencement of each Session of Parliament, a Return of all the Towns in *Ireland* from which Petitions shall have been presented for Charters of Incorporation, in pursuance of the Provisions herein-before contained, shall be laid by one of Her Majesty's Principal Secretaries of State before both Houses of Parliament.

Return of Bo-
roughs which
have petitioned
for Charters to
be laid before
Parliament.

Property how
to be applied in

XV. And be it enacted, That on the Twenty-fifth Day of *October* One thousand eight hundred and forty in every Borough
named

named in the said Schedule (B.) in which any Commissioners shall then have been elected under the Act herein-after next mentioned, and on the Twenty-fifth Day of *October* in the Year One thousand eight hundred and forty-one in every other Borough named in the said Schedule (B.) in which any Commissioners shall then have been elected under the Act passed in the Session of Parliament held in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases*, the Real and Personal Estate of the Body Corporate named in the said Schedule (B.) in conjunction with that Borough shall forthwith vest in such Commissioners, and the Rents and Profits thereof, after defraying all Charges to which such Rents or Profits may be liable, shall be applied by the Commissioners in aid of the Rates to be levied by them under the said Act, and the Surplus thereof, if any, shall be applied by them for the public Benefit of the Inhabitants and Improvement of the Borough until such Charter may at any Time afterwards be granted; and upon the Grant of any such Charter, and the Election of a Council under its Provisions, the Powers of such Commissioners as to the said Estate shall cease, and all the said Estate, and any Accumulation thereof, shall forthwith, without any Conveyance thereof, vest in the Body so incorporated: Provided always, that the *Galway Town* Commissioners acting in the Execution of an Act of Parliament made and passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating and improving the Town of Galway in the County of the same Town*, shall, from and immediately after the passing of this Act, have all the Estate and Powers of Commissioners under this Act for that Town, until the Grant of a Charter and the Election of a Council under its Provisions.

Boroughs in Schedule (B.) in which the 9 G. 4. c. 82. is now in force.

6 & 7 W. 4. c. cxvii.

XVI. And be it enacted, That on the Twenty-fifth Day of *October* One thousand eight hundred and forty-one, in any Borough named in the Schedule (G.) to this Act annexed, in which there shall not then have been elected any Commissioners under the said Act of the Ninth Year of King *George* the Fourth, there shall be constituted a Board of Commissioners for the Disposition of such Property, according to the Provisions herein-after contained, to be called "The Municipal Commissioners" of such Borough, until such Charter may at any Time afterwards be granted, or until there shall be elected in such Borough any Commissioners under the said Act of the Ninth Year of King *George* the Fourth, and upon the Grant of any such Charter and the Election of a Council under its Provisions, or upon the Election of any Commissioners under the said Act of the Ninth Year of King *George* the Fourth, such Board of Commissioners shall cease, and all the said Estate and any Accumulation thereof shall forthwith, without any Conveyance thereof, vest in the Body so incorporated, or in the Commissioners elected under the said Act of

Property how to be applied in those Boroughs in Schedule (G.) in which the 9 G. 4. c. 82. is not now in force.

the Ninth Year of King *George* the Fourth, where no such Charter shall then have been granted, as the Case may be; and in case such Estate and Accumulation shall so have vested in such Commissioners under the said Act of the Ninth Year of King *George* the Fourth, the same shall be applied by such Commissioners in aid of the Rates to be levied by them under the said Act, and the Surplus thereof, if any, shall be applied by them for the public Benefit of the Inhabitants and Improvement of the Borough until such Charter may at any Time afterwards be granted; and upon the Grant of any such Charter, and the Election of a Council under its Provisions, the Powers of the said Commissioners as to the said Estate shall cease, and all the said Estate and any Accumulation, thereof, shall forthwith, without any Conveyance thereof, vest in the Body so incorporated.

One Commissioner to be elected for every 500 Inhabitants.

XVII. And be it enacted, That in every such Borough as last aforesaid the Number of Municipal Commissioners who shall be elected to constitute such Board as aforesaid shall be after the Rate of One Commissioner for every Five hundred of the Population of such Borough, according to the Census or Abstract of the Population herein-before mentioned.

Property how to be applied in those Boroughs in Schedule (H.) in which the 9G.4. is not now in force.

XVIII. And be it enacted, That on the Twenty-fifth Day of *October* One thousand eight hundred and forty in any Borough named in the Schedule (H.) to this Act annexed in which there shall not then have been elected any Commissioners under the said Act of the Ninth Year of the Reign of King *George* the Fourth, and where there shall be then Guardians of the Poor of a Union in which such Borough shall be situate, and on the Twenty-fifth of *October* in the Year One thousand eight hundred and forty-one in any other Borough named in the Schedule (H.) to this Act annexed in which there shall not then have been elected any Commissioners under the said Act of the Ninth Year of King *George* the Fourth, the Real and Personal Estate of such Body Corporate shall forthwith vest in the Guardians of the Poor of the Union in which such Borough or the largest Part thereof shall be situate, and the Rents and Profits thereof, after defraying all Charges to which such Rents or Profits may be liable, shall be applied by the Guardians, subject to the Control and according to the Orders of the Poor Law Commissioners, in aid of the Rates to be levied by them for the Relief of the destitute Poor in the electoral District or Districts of such Union in which such Borough or any Part thereof shall be situate, until such Charter may at any Time afterwards be granted, or until there shall be elected in such Borough any Commissioners under the said Act of the Ninth Year of King *George* the Fourth; and upon the Grant of any such Charter, and upon the Election of a Council under its Provisions, or upon the Election of any Commissioners under the said Act of the Ninth Year of King *George* the Fourth, all the said Estate and any Accumulation thereof shall forthwith, without any Conveyance thereof, vest in the Body so incorporated, or

in the Commissioners elected under the said Act of the Ninth Year of King *George* the Fourth, where no such Charter shall have been granted, as the Case may be; and in case such Estate and Accumulation shall so have vested in such Commissioners under the said Act of the Ninth Year of King *George* the Fourth, the same shall be applied by such Commissioners in aid of the Rates to be levied by them under the said Act, and the Surplus thereof, if any, shall be applied by them for the public Benefit of the Inhabitants and Improvement of the Borough, until such Charter may at any Time be granted; and upon the Grant of any such Charter, and the Election of a Council under its Provisions, the Powers of the said Commissioners as to the said Estate shall cease, and all the said Estate and any Accumulation thereof shall forthwith, without any Conveyance thereof, vest in the Body so incorporated.

XIX. And be it enacted, That on the Twenty-fifth Day of *October* One thousand eight hundred and forty in every Borough named in the Schedule (I.) to this Act annexed in which any Commissioners shall then have been elected under the said Act passed in the Ninth Year of the Reign of King *George* the Fourth, and on the Twenty-fifth Day of *October* One thousand eight hundred and forty-one in every other Borough named in the Schedule (I.) to this Act annexed in which any Commissioners shall then have been elected under the said Act passed in the Session of Parliament held in the Ninth Year of the Reign of King *George* the Fourth, the Real and Personal Estate of the Body Corporate named in the said Schedule (I.) in conjunction with that Borough shall forthwith vest in such Commissioners, and the Rents and Profits thereof, after defraying all Charges to which such Rents or Profits may be liable, shall be applied by the Commissioners in aid of the Rates to be levied by them under the said Act, and the Surplus thereof, if any, shall be applied by them for the public Benefit of the Inhabitants and Improvement of the Borough; and in any Borough named in said Schedule (I.) in which there shall not have been elected on the Day last mentioned any Commissioners under the said last-mentioned Act, the Real and Personal Estate of such Body Corporate shall forthwith vest in the Guardians of the Poor of the Union in which such Borough or the largest Part thereof shall be situate, and the Rents and Profits thereof, after defraying all Charges to which such Rents or Profits may be liable, shall be applied by the Guardians, subject to the Control and according to the Orders of the Poor Law Commissioners, in aid of the Rates to be levied by them for the Relief of the destitute Poor in the electoral District or Districts of such Union in which such Borough or any Part thereof shall be situate, until there shall be elected in such Borough any Commissioners under the said last-mentioned Act; and upon the Election of any Commissioners under the said last-mentioned Act, all the said Estate and any Accumulation thereof shall forthwith, without any Conveyance thereof, vest in the Commissioners elected under

Property how
to be applied in
Boroughs in
Schedule (I.)

under the said last-mentioned Act, and shall be applied by such Commissioners in aid of the Rates to be levied by them under the said Act, and the Surplus thereof, if any, shall be applied by them for the public Benefit of the Inhabitants and Improvement of the Borough.

Boundaries of
Boroughs and
Towns.

647 to 327

XX. And be it enacted, That every Borough in the said Schedule (A.) shall be divided into the Number of Wards mentioned in such Schedule in conjunction with the Name of such Borough, and that the Boundaries of the several Boroughs named in the said Schedule (A.), and of the Wards into which the said Boroughs named in the said Schedule (A.) are to be divided, shall for the Purposes of this Act be taken to be according to the Description of such Boundaries set forth in Schedule (C.) to this Act annexed, and all the Houses, Lands, and Hereditaments within the Boundaries therein specified shall hereafter, for the Purposes of this Act, be Parts of the said Boroughs; and in the Construction of the several Descriptions of Boundaries set forth in the said Schedule (C.) the following Rules shall be observed:

Rules for the
Construction of
the Descriptions
contained in the
Schedule (C.)

- 1.—The Words "Northward," "Southward," "Eastward," "Westward," and the like, shall respectively be understood to denote only the general Direction in which any Boundary proceeds from the Point last described, and not that such Boundary shall continue to proceed throughout in the same Direction to the Point next described:
- 2.—When any Road is mentioned merely by the Name of the Place to which such Road leads, the principal Road thither from the Borough of which the Boundary is in course of Description shall be understood:
- 3.—Whenever a Line is said to be drawn from, to, through, or in the Direction of any Distance to be measured from or to an Object, such Line shall, in the Absence of any Direction to the contrary, be understood to be drawn from, to, through, or in the Direction of, or such Distance to be measured from or to the Centre of, such Object, as nearly as the Centre thereof can be ascertained:
- 4.—Every Building through which, or through any Part whereof, any Boundary hereby established shall pass, shall be considered as within such Boundary:
- 5.—Whenever any Boundary by this Act established is said to pass along any other Boundary, or along any Street, Road, Lane, Path, River, Stream, Canal, Drain, Brook, or Ditch, the Middle (as near as the same can be ascertained) of such other Boundary, or of such Road, Lane, Path, River, Stream, Canal, Drain, Brook, or Ditch, shall, in the Absence of any Direction to the contrary, be understood:
- 6.—The Middle of any Street, Road, or Lane shall be understood as the Middle of the Carriageway along the same:

7.—When

7. When any Boundary by this Act established is said to proceed, or any Distance to be measured, along a Street, Road, Lane, Path, Stream, River, Canal, or Drain from or to any Object, such Boundary shall be understood to proceed, or such Distance to be measured (as the Case may be), from or to that Point in the Middle of such Road, Lane, Path, River, Stream, Canal, or Drain from which the shortest Line would be drawn to the Centre of such Object, as nearly as the Centre thereof can be ascertained :
- 8.—The Point at which any Fence, Hedge, Wall, Boundary, Street, Road, Lane, Walk, Path, River, Stream, Canal, Drain, Brook, or Ditch is said to cut, meet, join, cross, reach, or leave any Boundary, Street, Road, Lane, Path, Wall, Walk, River, Stream, Canal, Drain, Brook, or Ditch shall, in the Absence of any Direction to the contrary, be understood as that Point at which a Line passing along the Middle of the one would be cut by a Line drawn along the Middle of the other, if such Line were prolonged sufficiently far :
- 9.—When a Line is said to be drawn to a Road, Lane, River, Stream, or Canal, such Line shall, in the Absence of any Direction to the contrary, be considered as prolonged to the Middle of such Road, Lane, River, Stream, or Canal :
- 10.—By the Words “Sea” and “Sea Coast” shall be understood the Low-water Mark :
- 11.—If any Deficiency shall be found to exist in the Line of any Boundary described in the said Schedule to this Act annexed, by reason of the Intervention of any Space between any Two immediately consecutive Points, such Deficiency shall be supplied by a straight Line to be drawn from the one to the other of such Two immediately consecutive Points.

XXI. And be it enacted, That for the Purposes of this Act all Places locally situate or included within the Boundaries of any Borough or of any Ward thereof, as defined under this Act, shall be deemed and taken to be a Part or Parts of such Borough or of such Ward thereof respectively, and in those Boroughs which are Counties of themselves shall, for the Purposes of this Act, be Part of such County, and of none other : Provided always, that nothing in this Act contained shall alter or affect any City or County of a City, Town or County of a Town, or Borough, or the Boundaries thereof, for any Purpose of Criminal Jurisdiction of the Court of Queen’s Bench, or of any Special or other Commission of Oyer and Terminer and Gaol Delivery, or of any Assizes, to be holden in and for such Borough, or for any Purpose of Civil Jurisdiction of any of the Superior Courts of Law, or for any Purpose of Grand Jury Presentment, or for any Purpose of Parliamentary Representation, or for any Purpose relating thereunto ; and that where it is or shall be necessary for any Purpose of such Representation

Places only-included within Boundaries for the Purposes of this Act.

to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within a City or County of a City, or Town or County of a Town, such Residence, Premises, or Place may be described as within the Parliamentary Boundaries of the City or Town respectively: Provided nevertheless, that if any Place or Precinct (which for the Purposes and under the Provisions of this Act shall not be Part of such Borough) shall have been liable, before the passing of this Act, to contribute to any Rate made for the Purpose of satisfying any lawful Debt to which the Rate-payers of such Borough or of any County were liable to contribute before the passing of this Act, and in case any Difference shall arise concerning the Proportion of such Debt which ought therefore to be paid and contributed in respect of such Place or Precinct, it shall be lawful for the Chief Justice of Her Majesty's Court of Queen's Bench in *Dublin*, in the Case of the County of *Dublin* and the County of the City of *Dublin*, and in the Case of any other County for the Senior Justice of Assize for the County of which such Place or Precinct shall thenceforward be taken to be Part on his Circuit, on the Application of the Council of such Borough, or of the Chairman of a public Meeting of the Rate-payers of such Place or Precinct, to appoint, by Writing under his Hand, a Barrister, not having any Interest in the Question, to arbitrate between the Parties, and by his Award, under his Hand and Seal, to assess the Proportion, if any, of such Debt which ought therefore to be paid and contributed in respect of such Place or Precinct, and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom, and in what Proportion, and out of what Fund, the same shall be paid; and such Rate as aforesaid shall continue to be levied by Warrant of the Council of such Borough, and paid by such Place or Precinct, as if this Act had not passed, until such Proportion shall have been fully paid and satisfied to the Treasurer of the Borough, and no longer: Provided also, that every County Gaol, House of Correction, or Lunatic Asylum, or Court of Justice, which at the Time of the passing of this Act is taken to be for any Purpose within any County, shall still for all such Purposes be taken to be within such County, any thing herein contained to the contrary notwithstanding.

Jurisdiction of
Courts extend-
ed to new
Boundaries.

XXII. Provided also, and be it enacted, That the Jurisdiction of the several Courts, as well of Criminal as of Civil Jurisdiction, and also of the Coroners, Sheriffs, Justices of the Peace, and other Officers of Justice acting for such Boroughs respectively, of the Boroughs named in the said Schedule (A.), shall extend to all Places within the Limits and Boundaries of such Boroughs as defined under this Act, and the Jurisdiction of the several Courts of Civil Jurisdiction of those Boroughs shall also extend to all Places within the Limits and Boundaries of such of the said Boroughs as are Counties of Cities and Counties of Towns respectively as they are at present constituted, or are now taken to be, by virtue of any Charter

or

or Usage, and in the Case of *Londonderry* shall also extend to the Liberties thereof.

XXIII. And be it enacted, That no Misnomer or inaccurate Description contained in this Act, or in the Schedule (C.) hereto annexed, shall in anywise prevent or abridge the Operation of this Act with respect to the Subject of such Description, provided the same shall be designated so as to be commonly understood; and that, for the Purpose of identifying the Descriptions contained in the said Schedule with the Subject of such Descriptions respectively, such Descriptions shall, if such Construction should be necessary, be held to apply to such Subjects as they existed on the First Day of *March* One thousand eight hundred and thirty-six.

Misnomer or Misdescription not to abridge Operation of this Act, and Description to relate to 1st March 1836.

XXIV. 'And whereas it is expedient that the Metes and Bounds of the several Boroughs to which this Act may at any Time apply, and of the several Wards into which the same are to be divided, as described in the Schedule (C.) to this Act annexed, or in any Charter to be granted as herein-after provided, be constantly maintained and generally known;' be it enacted, That the Mayor of each of the said Boroughs respectively, within Six Calendar Months after the first Election of Mayor in that Borough under this Act, shall cause to be set up, at the Expence of the Body Corporate of which he is Mayor, permanent and conspicuous Boundary Marks, of Iron, Wood, Stone, or other durable Material, in exact Conformity with, or as near as Circumstances will admit, the respective Metes and Bounds of such Boroughs and the several Wards thereof, and in the most public and convenient Places along or near the Line of such Metes and Bounds; and further, within the Period of Six Calendar Months after the Expiration of every successive Period of Three Years thereafter, a Circuit of Perambulation of the Metes and Bounds of each of such Boroughs respectively, and of the several Wards into which the same is divided, shall be made by the Mayor, accompanied by the Town Clerk of such Borough; and the Town Clerk shall, at the Time of making such Perambulation, inquire whether the Name or Names whereby the same Metes and Bounds or any Part thereof are or is described have or has been changed, and by what Name or Description the same are or is there commonly known and distinguished, and if any Change in the Description thereof shall have taken place, shall note the same in a Book to be kept by him for that Purpose, and to be called the "Boundary Book" of such Borough; and the Mayor is hereby required, in the event of any such Boundary Mark or Marks as aforesaid being obliterated or defaced, to cause the same to be renewed, at the Expence of the Body Corporate, within Three Calendar Months next after such Perambulation as aforesaid.

Mayor to set up Boundary Marks within Six Months after the first Election under this Act;

and with the Town Clerk to perambulate the Boundaries once in every Three Years thereafter.

Town Clerk to enter in a Book any Change in the Name or Description of the Boundaries.

Mayor to renew any Boundary Marks effaced.

XXV. And be it enacted, That every Mayor or Town Clerk who shall neglect to perform the Duties herein-before described shall forfeit the Sum of Twenty Pounds, to be recovered by Action in any one of the Superior Courts at *Dublin*, or by Civil

Mayor or Town Clerk neglecting to forfeit 20*l*.

Civil Bill in any Court of Record having Jurisdiction within such Borough respectively, by any Person who shall sue for the same, one Half to be paid to the Person who shall sue for the same, and the other Half, after deducting the Expences of so suing, to be ascertained by such Court, to be paid to Her Majesty, Her Heirs and Successors.

Penalty for
defacing or
injuring, &c.
Boundary
Marks.

XXVI. And be it enacted, That every Person who shall wilfully or maliciously pull down, deface, obliterate, injure, conceal, or destroy any such Boundary Marks as aforesaid shall for every such Offence forfeit and pay, in addition to the Value of such Boundary Mark or Marks as aforesaid, any Sum not exceeding Forty Shillings, to be recovered, paid, and levied according to the Provisions in this Act contained relative to Offences against this Act punishable upon summary Conviction.

Wards to be
denominated by
the Names in
the Schedules.

XXVII. And be it enacted, That the several Wards into which the several Boroughs in the Schedule (C.) to this Act annexed mentioned are by this Act respectively divided shall henceforth be denominated and distinguished by the Name and Names by which in such Schedule such Wards are specified and described in conjunction with the Names of such Boroughs respectively, and by no other Name or Names.

Charters of
Incorporation
to describe
Boundaries and
Wards.

XXVIII. And be it enacted, That in every Charter of Incorporation to be granted in pursuance of the Provisions of this Act shall be described the Boundaries of the District to which the same is to extend, which shall be determined as nearly as may be found convenient, according to the following Rules; (that is to say,) such Boundary shall include only the ancient Limits of the Town, in all Cases in which such Limits include all the Buildings considered to form Part of the Town, and a sufficient Space to allow of the probable Increase thereof, but when the Streets or Buildings extend beyond the ancient Limits of the Town, such Boundaries shall be made to include the whole of such Streets and Buildings; and where there is a Suburb near but not contiguous to such Town, then in determining whether such Suburb shall be included in the said Boundaries there shall be taken into consideration the Extent and Occupation of the Ground which separates such Suburb from the Town, and the Nature and Employment of the Population of such Suburb, and their Connexion with the Town; and when the ancient Boundaries include a Rural District, the Boundaries shall be confined to the Streets and Buildings, with a sufficient Space to allow of the probable Increase thereof, and shall not include such Rural District; and every such Town shall be divided into Wards, whenever the Population thereof, according to the last Census or Abstract of the Population as aforesaid, shall appear to exceed in Number Eight thousand; and there shall be as nearly as may be, on an Average, One Ward, and Two Aldermen and Six Councillors to a Population of every Four thousand Persons, and in every Case there shall be an even Number of Aldermen, and the Number of Councillors shall be Three Times the Number of Aldermen; and such Charter shall specify the Number of Wards (if any) into

which the Town is to be divided, and the Number of Aldermen and Councillors to be elected therein respectively.

XXIX. And be it enacted, That upon the Day to be named in such Charter the Powers and Provisions in this Act contained shall be carried into effect in such Manner as the Lord Lieutenant shall direct, and as nearly as may be in like Manner as if such Town had been named in the Schedule (A.) to this Act annexed.

When this Act to come into operation in such Boroughs.

XXX. And be it enacted, That after this Act shall have come into operation in every Borough named in the said Schedule (A.), and also in any Borough named in the said Schedule (B.), or other Town to which a Charter of Incorporation under this Act shall be granted as aforesaid, every Person qualified as herein-after mentioned shall, if duly enrolled according to the Provisions herein-after contained, be a Burgess of such Borough, and a Member of the Body Corporate of the Mayor, Aldermen, and Burgesses of such Borough; and in any Borough named in the said Schedule (B.), in which a Board of Municipal Commissioners is herein-before directed to be constituted, every Person qualified as herein-after mentioned shall be entitled to vote at the Election of such Commissioners; (that is to say,) every Man of full Age who, on the last Day of *August* in any Year, shall be an inhabitant Householder, and shall for Six Calendar Months previous thereto have been resident as such within such Borough, or within Seven Statute Miles of such Borough, and who shall occupy within such Borough any House, Warehouse, Counting-house, or Shop, which, either separately or jointly with any Land within such Borough occupied therewith by him as Tenant, or occupied therewith by him as Owner, shall be of the yearly Value of not less than Ten Pounds, to be ascertained and determined in manner following and not otherwise, (that is to say,) such Value shall be a Sum composed of the net annual Value at which the Premises so occupied by such Man shall be rated (as they are hereby required to be) to the Relief of the Poor under the said Act for the more effectual Relief of the destitute Poor in *Ireland*, and of the Amount of the Sums at which the Landlord's Repairs and the Landlord's Insurance shall be estimated and stated in any Rate to be made in pursuance of the said Act: Provided always, that no such Occupier shall be admitted to be enrolled as a Burgess, or to vote at any Election of Municipal Commissioners under this Act, unless he shall have been rated in respect of such Premises to the Relief of the Poor, and shall have occupied such Premises within the said Borough, or other Premises of the like Nature within the said Borough, and rated as aforesaid, for the Space of Twelve Calendar Months at the least next preceding such last Day of *August*, nor unless such Occupier shall, on or before the last Day of *August* in such Year, have paid or discharged all Rates for the Relief of the Poor, and all Grand Jury and Municipal Cesses, and all Rates and Taxes, which shall have become payable by him in respect of such Premises during his Occupation thereof, except such as shall have become payable within

Qualification of Burgesses and Voters at Elections under this Act.

within Three Calendar Months next before such last Day of *August* : Provided always, that the Premises in respect of the Occupation of which any Person shall be entitled to be so enrolled or to vote in any Year shall not be required to be the same Premises, or in the same Parish or Union, but may be different Premises, occupied in immediate Succession by such Person in the same Parish or Union, or in different Parishes or Unions.

Public Notices
to be given of
Taxes payable
in advance.

XXXI. Provided always, and be it enacted, That where in any Borough any Cess, Rate, or Tax is or shall be payable in advance, the Commissioners, Trustees, or other Persons by whom the same shall be imposed, or by whom any Rate, Assessment, or Order shall be made for imposing or levying the same, shall cause public Notice thereof to be given by posting such Notice for Three successive Days on some convenient Place at or near every Court House and Town Hall within such Borough, and by causing the same to be published in Three successive Impressions or Editions of some public Newspaper published at least once in every Week in such Borough, or in the City or Town nearest to such Borough in which a Newspaper shall be published ; and such Cess, Rate, or Tax shall not, for the Purposes aforesaid of this Act, be deemed to have become payable until after the Completion of the Publication of such Notice, and not before : Provided always, that nothing herein contained shall make any such Cess, Rate, or Tax payable before the Time at which the same, if this Act had not been passed, would be payable by Law, or shall diminish or affect the Liability of any Person to the Payment of any such Cess, Rate, or Tax for any Purposes other than the Purposes aforesaid of this Act.

Exceptions as
to Aliens and
Paupers.

XXXII. And be it enacted, That no Person being an Alien shall be so enrolled or vote ; and that no Person shall be enrolled or vote who, within Twelve Calendar Months next before the said last Day of *August*, shall have received Relief by Order of any Board of Guardians or of any paid Officer to be appointed by virtue of the said Act for the Relief of the Poor, or any Pension or charitable Allowance from any Fund entrusted to the charitable Trustees of such Borough herein-after mentioned, other than Medical or Surgical Assistance ; but no Person shall be disqualified from being enrolled as a Burgess, or voting, by reason that any Child of such Person shall have been admitted and taught within any public or endowed School.

Occupiers may
claim to be
rated.

XXXIII. And be it enacted, That in every Borough it shall be lawful for any Person occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises respectively, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof ; and upon such Occupiers so claiming, and actually paying or tendering to the Collector thereof, or to the Person or Persons entitled to receive the same, the full Amount of the last made Rate then payable in respect of such Premises, the Guardians or other Persons charged with
making

making any Rate for the Relief of the destitute Poor which shall or ought to include such Premises are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case any such Guardians or other Persons shall neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of this Act, be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the Landlord shall be liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord, but in case the Tenant who shall have been rated for such Premises in consequence of any such Claim as aforesaid shall make default in the Payment of the Poor's Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

XXXIV. And be it enacted, That where any Premises as aforesaid in any such Borough shall be jointly occupied by more Persons than One, as Owners or Tenants, each of such joint Occupiers shall, subject to the Conditions herein-before contained as to Persons occupying Premises in any Borough, be entitled to be enrolled as a Burgess for such Borough, or to vote as aforesaid, in respect of the Premises so jointly occupied, provided that the Value of such Premises, to be ascertained and determined as aforesaid, shall be of an Amount which, when divided by the Number of such Occupiers, shall give for each Occupier a Sum not less than the Sum which would entitle such Person to be enrolled or to vote as aforesaid if he occupied separately, but not otherwise.

In Cases where Persons occupy Premises jointly, each Person to be entitled to be enrolled as a Burgess.

XXXV. And be it enacted, That in every Case provided in this Act the Distance of Seven Miles shall be computed by the nearest public Road or Way by Land or Water.

How Distances are to be reckoned.

XXXVI. And be it enacted, That where any House, Warehouse, Counting-house, or Shop in any such Borough shall come to any Person by Descent, Marriage, Marriage Settlement, Devise, Bequest, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Rating and Occupancy thereof, by the Person from or by whom such House, Warehouse, Counting-house, or Shop shall have so come to him, as his own Rating and Occupancy, conjointly with the Time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess, or to vote as aforesaid, in respect of such successive Rating and Occupancy, provided he shall be otherwise qualified as herein provided; and it shall not be necessary, in support of the Title of such Person to be so enrolled or to vote as aforesaid, to prove that he was an inhabitant Householder within the said Borough, or within Seven Miles of the said Borough, or that he was an

In Cases of Titles by Descent, &c. how the Occupation is to be reckoned.

Occupant, or rated within the same, before the Title to such House or other Property as aforesaid shall have devolved upon him; and the Rating in the Name of the Person previously occupying shall be considered a sufficient Rating of the Person so entitled until a new Rate shall be made subsequent to such Devolution of Title as aforesaid; provided always, that the other Person in respect of whose previous Occupancy and Rating he shall be so partially entitled shall have been enrolled a Burgess, or to vote as aforesaid, at the Time of such Devolution of Title as aforesaid.

No Burgess to be elected who is not qualified under this Act.

XXXVII. And be it enacted, That after the passing of this Act no Person shall be elected or enrolled a Burgess of any Borough for the Purpose of enjoying the Rights conferred for the first Time by this Act in respect of any Right or Title other than by Residence, Occupancy, Rating, and Payment of Cesses, Rates, and Taxes respectively within such Borough, according to the Meaning and Provisions of this Act.

Office for receiving Taxes to be kept open for One Month before 31st August in each Year.

XXXVIII. And be it enacted, That after this Act shall come into operation in any Borough, the Guardians, Commissioners, Trustees, or other Persons who shall be entitled to receive or to cause to be collected any Cess, Rate, or Tax, the Payment whereof is required by this Act for the Purpose of entitling any Occupier to be enrolled as a Burgess or to vote in any Borough as aforesaid, or the Collector of such Cess, Rate, or Tax shall, One Calendar Month at least before the Thirty-first Day of *August* in each Year, open or cause to be opened, in some convenient Place within such Borough, an Office for receiving Payment thereat of such Cess, Rate, or Tax, and shall cause such Office to be kept open for that Purpose on every Day (*Sunday* excepted) between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall cause a Collector or other Officer to attend at such Office to receive such Cess, Rate, or Tax; and in case no such Office shall be so kept open, or in case such Collector or other Officer shall not attend thereat for the Purpose aforesaid, it shall be lawful for any Occupier liable to any such Cess, Rate, or Tax to pay or tender the same to the Treasurer of such Borough, or, if there be no such Treasurer, to the Mayor; and such Payment or Tender shall be deemed a sufficient Payment of such Rate, Cess, or Tax for the Purpose only of entitling the Occupier so liable, and who shall have made such Payment or Tender, to be enrolled as a Burgess or to vote as aforesaid; and the Amount so paid shall with all convenient Speed be paid over by such Treasurer or Mayor to the Person entitled to collect or receive such Cess, Rate, or Tax; and the Amount so paid shall thereupon be credited to the Occupier so liable, and who shall have so paid the same: Provided always, that in case such Treasurer or Mayor shall not so pay over the Amount so paid to him, and such Occupier shall by reason of such Default of such Treasurer or Mayor be compelled to pay the same or any Part thereof to the Person entitled to collect or receive such Cess, Rate, or Tax, such Occupier shall be entitled

to recover from such Treasurer or Mayor the Amount which he shall have so paid, together with a Sum of One Pound as a Penalty for such Default, and to sue for and recover the same, with Costs, by Civil Bill, before the Recorder of such Borough, or before the Assistant Barrister having Jurisdiction within such Borough.

XXXIX. And be it enacted, That on or before the Fifth Day of *September* in the first Year in which this Act shall come into operation in any Borough divided into Wards, according to the Provisions and Directions herein contained, the Churchwardens of every Parish wholly or in part within any Ward of such Borough shall make out, from the Assessment to be made of Hereditaments within such Parish and Borough under the said Act for the Relief of the destitute Poor, alphabetical Lists, according to the Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons, with their respective Residences, who shall be entitled to be enrolled in the Burgess Roll, according to the Provisions of this Act, in respect of Property within such Parish and Ward, and shall sign such Lists, and deliver the same on the said Fifth Day of *September* to the Town Clerk, and shall keep a true Copy of such Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the said Fifth and the Fifteenth Days of *September* aforesaid.

Churchwardens of each Parish to make out Lists in the First Year of Persons qualified as Burgesses in each Borough.

XL. And be it enacted, That on or before the Fifth Day of *September* in every Year, except the First, in which this Act shall come into operation in any Borough, the Town Clerk of such Borough shall make out in like Manner alphabetical Lists, according to the said Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons who shall be entitled to be enrolled in the Burgess Roll of that Year within each Ward of such Borough, and shall sign such Lists, and shall on that Day deliver a true Copy of such Lists, signed by himself, to the Mayor of such Borough, and shall himself keep such original Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Fifth and the Fifteenth Days of *September* in every Year.

Town Clerks to make out Lists in Boroughs in following Years.

XLI. And be it enacted, That the several and respective Collectors of the Poor Rates, and of all Grand Jury and Municipal Cesses, Rates, and Taxes, payable within any Borough in which this Act shall come into operation, shall, on or before the Third Day of *September* in every Year, make out or cause to be made out, according to the Form numbered 6. in the said Schedule (D.) to this Act annexed, an alphabetical List of all Persons who shall be subject to the Payment of such Poor Rate, Cesses, Rates, or Taxes within the Limits of such Borough, and within the Collection of the Person by whom or by whose Direction the same shall be made out; and every such Collector shall sign the List so to be made out for his Collection, and shall cause a true Copy of such List to be prepared, and shall keep the same, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the Ten Days next

Collectors to make Lists of Persons subject to Payment of Poor Rate, &c. according to Schedule (D.) No. 6. in this Act.

after the same Third Day of *September*; and every such Collector shall on the same Third Day of *September* deliver the List so signed by him as aforesaid to the Town Clerk of such Borough; and such Town Clerk shall forthwith cause to be printed true Copies of every such List, and shall deliver One or more of such respective printed Copies to any Person applying for the same, on Payment of a reasonable Price for each Copy, not exceeding the Sum of One Shilling for each Copy.

Town Clerk to
print the Lists.

XLII. And be it enacted, That the Town Clerk shall forthwith cause Copies to be printed of all Lists so delivered to him by the Churchwardens in the first Year, and of all Lists made out by himself or under his Direction in every succeeding Year, and shall deliver a Copy of all such Lists to any Person requiring the same, on Payment of a Sum of One Shilling for each Copy, and shall cause a Copy of all such Lists to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Situation within the Borough, on every Day during the Eight Days next preceding the Fifteenth Day of *September* in every Year.

Persons omitted
from the Lists
to give Notice
to the Town
Clerk.

XLIII. And be it enacted, That every Person whose Name shall have been omitted in any such List, and who shall claim to have his Name inserted on the Burgess Roll, shall, on or before the Fifteenth Day of *September* in every Year, give Notice thereof to the Town Clerk in Writing, according to the Form Number 2. in the said Schedule (D.), or to the like Effect; and every Person whose Name shall have been inserted in any such List for any Borough may object to any other Person as not being entitled to have his Name retained in the Burgess Roll for the same Borough; and every Person so objecting shall, on or before the Fifteenth Day of *September* in every Year, give to the Town Clerk of such Borough, and also to the Person objected to, or leave at the Premises in respect of which his Name shall have been inserted in such List, Notice thereof in Writing, according to the Form Number 3. in the said Schedule (D.), or to the like Effect; and every Town Clerk shall include the Names of all Persons so claiming in a List according to the Form Number 4. in the said Schedule (D.), and the Names of all Persons so objected to in a List according to the Form Number 5. in the said Schedule (D.), and shall cause Copies of such Lists to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Situation within such Borough, during the Eight Days next preceding the First Day of *October* in every Year; and the Town Clerk shall likewise keep a Copy of the Names of all the Persons so claiming as aforesaid, and also a Copy of the Names of all Persons so objected to as aforesaid, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the Eight Days, *Sunday* excepted, next preceding the First Day of *October* in every Year, and shall deliver a Copy of each of such Lists to any Person requiring the same, on Payment of a Sum not exceeding One Shilling for each Copy.

Notices as to
Persons not
entitled to be
retained in the
Lists.

Lists of Claim-
ants, and of
Persons object-
ed to, to be
published, &c.

XLIV. And

XLIV. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* to appoint by Warrant under his Hand so many Barristers, of not less than Five Years standing at the Bar, as he shall think fit, to revise the List of Burgesses, and to hold any such Elections as are herein directed in any Borough in the first Year in which this Act shall come into operation in that Borough; and the Barrister so appointed shall for that Purpose be in the Place and Stead of the Mayor and Assessors herein-after mentioned of such City, Town, or Borough, and shall revise the List of Burgesses, and have for that Purpose all such Powers as the Mayor and Assessors will possess in the succeeding Years.

Lord Lieutenant may appoint Revising Barristers for the First Year.

XLV. And be it enacted, That in the first Year in which this Act shall come into operation in any such Borough the Barrister appointed as aforesaid, and in every succeeding Year the Mayor and the Two Assessors herein-after mentioned of the Borough, shall hold an open Court within such Borough for the Purpose of revising the said Lists, at some Time between the First Day of *October* inclusive and the Fifteenth Day of *October* inclusive in every Year, having first given Three clear Days Notice of the holding of such Court, to be fixed on or near the Door of the Town Hall, or in some public and conspicuous Situation within the Borough; and the Town Clerk of every such Borough shall at the opening of the Court produce the said Lists before him or them, and a Copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the several Churchwardens for such first Year of every Parish wholly or in part within every such Borough shall attend the Court to be holden in such first Year, and such Town Clerk and Churchwardens respectively shall answer upon Oath all such Questions as the Court may put to them or any of them touching any Matter necessary for revising the said Lists; and the Mayor or Barrister, as the Case may be, shall insert in such Lists the Name of every Person who shall be proved to the Satisfaction of the Court to be entitled to be enrolled in the Burgess Roll according to the Provisions of this Act, and shall retain on the said Lists the Names of all Persons to whom no Objection shall have been duly made and sustained; and where the Name of any Person inserted in any one of the said Lists shall have been duly objected to, and the Person objecting shall appear, by himself or by some one on his Behalf, in support of such Objection, the Court shall require Proof of the Qualification of the Person so objected to; and in case the Qualification of such Person shall not be proved to the Satisfaction of the Court, the Mayor or Barrister, as the Case may be, shall expunge the Name of every such Person from the said Lists, and he shall also expunge from the said Lists the Name of every Person who shall be proved to be dead, and shall correct any Mistake or supply any Omission which shall be proved to have been made in any of the said Lists in respect to the Name or Place of Abode or local Description of the Property of any Person who shall be included in any such List:

The Barrister in the First Year and the Mayor and Two Assessors afterwards to revise the Lists, and upon due Proof to insert and expunge Names.

Power to rectify Mistakes in the Lists.

Provided always, that no Person's Name shall be inserted by the Mayor or Barrister in any such List, or shall be expunged therefrom, except in the Case of Death, unless Notice shall have been given as is herein-before required in each of the said Cases : Provided also, that the Fact of the Name of any Person having been on the Burgess Roll of the preceding Year shall be *prima facie* Evidence of his Title to be enrolled for the current Year.

Mayor or Barrister, on revising the Lists to have Power of adjourning, of requiring the Production of Rate Books, of administering Oaths, &c. ; and shall settle and sign the Lists in open Court.

XLVI. And be it enacted, That every Mayor or Barrister holding any Court under this Act for the Revision of the said Lists shall have Power to adjourn the same from Time to Time, so that no such adjourned Court shall be held after the Fifteenth Day of *October* in any Year, and shall have Power to require any High Constable, Churchwarden, or other Person authorized to applot, collect, or levy any Rate for the Relief of the Poor, Cess, Rate, or Tax within the Borough, or within any Parish wholly or in part within the Borough, or other Person or Persons having the Custody of any Book of Applotment or Rate of Valuation, to produce the same, and allow the same to be inspected, at any Court to be held for the Revision of the Burgess Roll, and shall have Power to administer an Oath to the Town Clerk and Churchwardens, and to all Persons claiming to be inserted in or making Objection to the Omission or Insertion of any Name in the said Lists, and to all Persons objected to in any of such Lists, and to all Persons claiming to have any Mistake in any such Lists corrected, and to all Witnesses who may be tendered or examined on either Side ; and if any Person taking any Oath or making any Affirmation under this Act shall wilfully swear or affirm falsely, such Person shall be deemed guilty of Perjury, and shall be punished accordingly ; and the Mayor and Assessors or Barrister shall, upon Hearing in open Court, determine upon the Validity of such Claims and Objections ; and the Mayor or Barrister shall, in open Court, write his Initials against the Names respectively struck out or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, and shall sign his Name to every Page of the several Lists so settled.

Borough List to be kept by the Town Clerk, and copied into a Book, with the Names numbered.

XLVII. And be it enacted, That the Lists, so revised and signed as last aforesaid, shall be delivered by the Mayor or Barrister to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Lists to be fairly and truly copied into one general List in a Book to be by him provided for that Purpose, arranged alphabetically, in each Ward, with every Name therein numbered, beginning the Numbers from the first Name in the first Ward, and continuing them in a regular Series to the last Name in the last Ward, and shall cause such Book to be completed on or before the Twenty-second Day of *October* in every Year, and shall deliver such Book, together with the Lists, at the Expiration of his Office, to the Person succeeding him in such Office ; and every such Book shall be the Burgess Roll of the Burgesses of such Borough entitled to vote, after the passing of this Act, in the Choice of the Aldermen and Councillors, Assessors and Auditors of such Borough,

Such Book to be the Register of Voters from which Election shall be made.

Borough, as herein-after mentioned, at any Election which may take place in such Borough between the Twenty-fifth Day of *October* inclusive in the Year wherein such Burgess Roll shall have been made and the Twenty-fifth Day of *October* in the succeeding Year, or until a new Burgess Roll shall have been made.

XLVIII. And be it enacted, That no Stamp Duty shall be payable in respect of the Admission, Registry, or Enrolment of any Burgess or Freeman according to the Provisions of this Act.

No Stamp Duty payable on Enrolment.

XLIX. And be it enacted, That it shall be lawful for any Person whose Claim shall have been rejected or Name expunged at the Revision of the Burgess Roll of any of the said Boroughs to apply, before the End of the Term then next following, to the Court of Queen's Bench in *Ireland*, for a Mandamus to the Mayor for the Time being of that Borough to insert his Name upon the Burgess Roll for such Ward as shall be named in the Application, and thereupon for the Court to inquire into the Title of the Applicant to be so enrolled; and if the Court shall award such Mandamus the Mayor shall be bound to insert the Name at the End of the Burgess Roll, with the Addition of the Ward for which such Name is so ordered to be inserted, and shall add thereunto the Words "By Order of the Court of Queen's Bench," and shall subscribe his Name to such Words; and the Town Clerk shall be bound to produce the said Burgess Roll to the Mayor for that Purpose; and thereupon the Person whose Name shall be so added to the Burgess Roll shall be deemed a Burgess, and entitled to vote and act as a Burgess in all respects as if his Name had been put upon the Burgess Roll in that Ward by the Barrister or Mayor and Assessors; and upon every such Application the Court shall have Power to make such Order with respect to the Costs as to the Court shall seem fit.

Applications may be made to the Court of Queen's Bench in *Ireland* for a Mandamus to put a Burgess on the Roll.

L. And be it enacted, That the Right of every Person who shall have been admitted and enrolled upon the Burgess Roll to be so admitted and enrolled may be questioned by any Burgess by Appeal, in like Manner, and subject to the like Provisions as to Costs, and as to the Attendance of the Town Clerk, and Alteration of the Roll, as are herein-before contained with respect to the Appeal against the Admission of any Person upon the Freeman's Roll.

Admission upon Burgess Roll to be subject to like Appeal as upon Freeman's Roll.

LI. And be it enacted, That after the passing of this Act every Application to the Court of Queen's Bench in *Ireland* for the Purpose of calling upon any Person to show by what Warrant he claims to exercise the Office of Mayor, Alderman, or Councillor in any Borough shall be made before the End of the Term following next but One after the Election of the Person against whom such Application shall be directed, or after the Time when such Person shall have become disqualified, and not at a subsequent Time.

Applications for Quo warrant to be made within the Term next but one after Election.

LII. And be it enacted, That after the passing of this Act, in case no Election shall be made of any Mayor, or any of the

Corporations not to become extinct by reason of Election

not being held
on appointed
Days.

Aldermen, Councillors, or other Corporate Officers in any Borough, upon the Day or within the Time appointed by this Act for such Election, or such Election being made shall afterwards become void, whether such Omission or Avoidance shall occur through the Default of the Officer or Officers who ought to preside at such Election, or by any other Means or Accident whatsoever, the Corporation shall not thereby be deemed to be dissolved or disabled from electing such Mayor, Alderman, or Councillor, or other Corporate Officer, for the future; but in case where no such Election shall be made as aforesaid the Election for any such Mayor, Alderman, Councillor, or other Corporate Officer may be had, held, or proceeded with upon the Day next after the Day on which such Election ought to have been made, unless such Day shall happen to be a *Sunday*, and then upon the *Monday* following; and every Act necessary to be done in order to and for the completing such Election shall and may be then done, and the same shall be as effectual and valid for all Purposes as if the Election had been made on the proper Day appointed for that Purpose.

Provisions of
Act of Irish
Parliament
19 G. 2. extend-
ed to Elections
under this Act.

LIII. And be it enacted, That after the passing of this Act all the Powers, Authorities, and Jurisdictions by an Act passed in the Parliament of *Ireland* in the Nineteenth Year of the Reign of King *George* the Second, intituled *An Act for the better Regulation of Corporations*, given to Her Majesty's Court of Queen's Bench in *Ireland* in Cases where no Election shall be made of the Mayor, Bailiff or Bailiffs, or other Chief Officer or Officers of Cities, Boroughs, or Towns Corporate, upon the Day or within the Time appointed by Charter or Usage for that Purpose, and that no Election is made pursuant to the Directions in that Act and herein-before prescribed, or that such Election being made shall afterwards become void, as in that Act mentioned, shall be and the same are hereby extended to all Cases in which no Election shall be made of any Mayor, Alderman, Councillor, or other Corporate Officer, or other Person, to any Corporate Office, on the Day or within the Time appointed for any such Election under the Provisions of this Act; and the said Court of Queen's Bench is hereby empowered in all such Cases to make such Orders, and to do all other Acts, Matters, and Things in respect thereof, as fully and effectually as the said Court is now by Law authorized in any other Cases of making Orders for the Election of any Officers of Corporations; and the Election to be held under any such Order shall be held, and the Proceedings thereupon conducted, within the Borough, in the same Manner and under the like Regulations and Provisions as are in the said Act of His Majesty King *George* the Second enacted and provided.

Penalty for
wilfully and
corruptly ex-
punging or not
inserting any
Name.

LIV. And be it enacted, That if any such Mayor or Assessor shall wilfully and corruptly disallow the Claim of any Person who shall be duly entitled, or wilfully and corruptly allow the Claim of any Person who shall not be duly entitled, to be enrolled on the Burgess Roll, or if any such Mayor shall wilfully and corruptly expunge the Name of any Person duly entitled,

or wilfully and corruptly insert or retain in such List the Name of any Person who shall not be duly entitled, to be enrolled on such Burgess Roll, every Mavor or Assessor so offending shall be liable to be sued by way of Civil Bill, in an Action of Debt, for the penal Sum of Fifty Pounds for every Name so wilfully and corruptly allowed, disallowed, expunged, inserted, or retained, at the Suit of any Burgess of the said Borough who shall sue for the same in the Court of the Assistant Barrister, Chairman, or Recorder having Jurisdiction, by way of Civil Bill, within such Borough; and the Defendant in such Action respectively, being convicted, shall pay such penal Sum so awarded, with full Costs of Suit, to the Party who may sue for the same; and if any Mayor, Town Clerk, or Churchwarden shall wilfully neglect to make out such Lists, or wilfully omit the Name of any Person which ought to be inserted thereon, or wilfully insert in or retain on such Lists the Name of any Person which ought not to be inserted thereon, or wilfully neglect or refuse to perform the Duties or any Part thereof by this Act imposed upon him or them respectively, he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

Mayor, Town Clerk, or Churchwarden neglecting Duty, guilty of a Misdemeanor.

LV. And be it enacted, That the Town Clerk of every Borough named in the said Schedule (A.) shall cause to be written or printed Copies of the Burgess Roll in every Year, and shall deliver such Copies to all Persons applying for the same, on Payment of a reasonable Price for each Copy, not exceeding the Sum of Three-pence for every Hundred Names, and so in proportion for any lesser Number; and the Monies arising from the Sale thereof, and of the Churchwardens and Town Clerks Lists, and of the Lists of Claims and Objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund herein-after mentioned.

Copies of Burgess Roll to be made for Sale.

LVI. And be it enacted, That the Council of every Borough named in the said Schedule (A.) shall take an Account of the reasonable Expences incurred in carrying into effect the several Provisions of this Act, so far as relates to the said Lists, and shall order the Treasurer of such Borough to pay the same out of the Borough Fund of the said Borough.

Expences of Lists how to be defrayed.

LVII. And be it enacted, That in every Borough named in the said Schedule (A.), and in every Borough named in the said Schedule (B.), or other Town to which a Charter of Incorporation shall be granted as aforesaid, there shall be elected, at the Time and in manner herein-after mentioned, One fit Person, who shall be and be called "The Mayor" of such Borough; and in the different Wards of every such Borough there shall be elected, at the Time and in the Manner herein-after mentioned, a certain Number of fit Persons, who shall be and be called "The Aldermen" of such Borough, and a certain Number of other fit Persons, who shall be and be called "The Councillors" of such Borough; and in every Borough named in the said Schedule (A.) the Number of Persons to be

Mayor, Aldermen, and Councillors to be chosen in every Borough.

so elected Aldermen and Councillors of such Borough shall be the Number of Persons in that Behalf mentioned in conjunction with the Name of such Borough in the Schedule (A.) to this Act annexed; and such Mayor, Aldermen, and Councillors for the Time being, or so many of them as shall at any Time be elected and have accepted the Offices, shall be and be called "The Council" of such Borough; and in every such Borough to which no Charter of Incorporation shall be granted as aforesaid, and in which Municipal Commissioners of such Borough shall be constituted under this Act, there shall be elected, at the Time and in manner herein-after mentioned, One fit Person, who shall be and be called "The Chairman of the Municipal Commissioners" of such Borough.

Who not qualified to be chosen Mayor, Alderman, or Councillor, or Commissioner.

LVIII. And be it enacted, That no Person being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be qualified to be elected or to be a Councillor or an Alderman or a Municipal Commissioner of any Borough; nor shall any Person be qualified to be elected or to be a Councillor or an Alderman of any Borough named in said Schedule (A.) to this Act annexed who shall not be on the Burgess List of such Borough, nor unless he shall be seised or possessed of Real or Personal Estate, or of both, of the clear Value of One thousand Pounds above what will satisfy his Debts, or shall occupy, and shall for Twelve Calendar Months next previous have occupied, a House rated for the Relief of the Poor at the net annual Value of Twenty-five Pounds or upwards, situate within the Borough; nor shall any Person be qualified to be elected or to be a Councillor or an Alderman of any Borough named in the said Schedule (B.), or other Town to which a Charter shall have been granted as herein-before is mentioned, who shall not be on the Burgess List of the Borough for which he is elected, nor to be elected or to be such Councillor or Alderman or a Municipal Commissioner of any Borough, unless he shall be seised or possessed of Real or Personal Estate, or of both, of the clear Value of Five hundred Pounds above what will satisfy his Debts, or shall occupy, and shall for Twelve Calendar Months next previous have occupied, a House situate within the Borough, and rated as aforesaid at the net annual Value of such Sum, not more than Twenty Pounds and not less than Fifteen Pounds, as to Her Majesty, with the Advice of Her Privy Council, shall seem fit, to be specified in such Charter; nor shall any Person be qualified to be elected or to be a Councillor or an Alderman or a Municipal Commissioners of any such Borough during such Time as he shall hold any Office or Place of Profit other than that of Mayor, in the Gift or Disposal of the Council, Commissioners, or charitable Trustees of such Borough, or while he is an uncertificated Bankrupt, or during such Time as he shall have directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of such Council, Commissioners, or charitable Trustees; provided that no Person shall be disqualified from being a Councillor or Alderman or Commissioner of any

*explained by
5th Dec 1844*

any Borough as aforesaid by reason of his being a Proprietor or Shareholder of or in any Company which shall contract with the Council or Commissioners of such Borough for lighting or supplying with Water any Part of the said Borough, or insuring against Fire any Property therein.

LIX. And be it enacted, That every Burgess of any Borough divided or to be divided into Wards according to the Provisions and Directions herein contained shall be entitled to vote in the Election of the Aldermen and Councillors to be chosen within that Ward in which some Part of the Property of such Burgess in respect of which he is enrolled on the Burgess Roll for the Time being of such Borough shall appear to be situated; and not otherwise, and no other Person shall be entitled to vote in the Election; and in case it shall happen that any Burgess shall be entitled to be enrolled in respect of Property in Two or more Wards, then he shall, if otherwise duly qualified according to the Provisions of this Act, be enrolled and vote in such One, but not more than One, of the said Wards as he shall select, by Writing under his Hand delivered to the Town Clerk, or left at his Office, on or before the Fifth Day of *September* in any Year, or, in default of his Selection, as the Mayor or Barrister, when revising the said Lists of Burgesses, shall determine.

Burgesses to vote for the Councillors of the Ward in which their Property is situate.

LX. And be it enacted, That on the Twenty-fifth Day of *October* in the first Year in which this Act shall come into operation in any such Borough as last aforesaid the Burgesses in every Ward of every such Borough shall elect, from among the Persons qualified to be Councillors of such Borough, the Number of Persons mentioned in the Schedule (A.) to this Act annexed, or in such Charter as aforesaid, as the Case may be, in conjunction with such Ward, as the Number of Aldermen and Councillors of the said Borough to be elected in such Ward; and One Fourth Part of the Persons so elected, being those who shall have the greatest Number of Votes, shall be the Aldermen of the said Ward, and the remaining Three Fourths shall be the Councillors of such Ward; and in case an equal Number of Votes shall be given for any Two or more Persons, any of whom but for such Equality would be Aldermen, or where there shall be no Contest, the Majority of the whole Council shall determine which of such Persons having an equal Number of Votes shall be Alderman or Aldermen.

Directing the Election of Aldermen and Councillors.

LXI. And be it enacted, That upon the Twenty-fifth Day of *October* in every Year following that in which this Act shall come into operation in any Borough One Third Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Ward of such Borough shall go out of Office, and the Burgesses then enrolled in the Burgess Roll for such Ward shall elect the Number of Councillors needed to supply the Vacancies thereupon existing in the Number of Councillors; and those who shall so first go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Numbers of Votes at the First Election, and in the next Year those who shall go out of Office shall be the

One Third Part of the Council to go out of Office annually.

the Councillors who were elected under the Provisions of this Act by the next smallest Numbers of Votes at the First Election, the Majority of the whole Council always determining, when the Votes for any such Persons shall have been equal, or when there shall have been no Contest, who shall be the Persons so to go out of Office; and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified as herein provided.

One Half the
Number of the
Aldermen to go
out of Office
every Three
Years.

LXII. And be it enacted, That on the Twenty-fifth Day of *October* in every Third Year after the Year in which this Act shall come into operation in any Borough, except in *Dublin*, *Kilkenny*, and *Clonmell*, One of the Aldermen of every Ward shall go out of Office, and the Burgesses then enrolled in the Burgess Roll for that Ward shall elect an Alderman to supply the Vacancy; and in the City of *Dublin* the Burgesses of each of the Nine Southern Wards and Six Northern Wards alternately shall separately elect in each Third subsequent Year the Alderman of that Ward, and in each of the Boroughs of *Kilkenny* and *Clonmell* the Burgesses of each Ward alternately shall separately elect in each Third subsequent Year the Aldermen of that Ward; and the Council of each of the Three last-mentioned Boroughs shall determine in which Ward or Wards the Alderman or Aldermen shall be first re-elected, and the Alderman or Aldermen first elected in the Ward or Wards so determined upon by the Council shall go out of Office at the End of Three Years after their Election; and the Alderman of every Ward of every other Borough who shall so first go out of Office shall be the Alderman who was elected in that Ward by the smallest Number of Votes at the First Election, the Majority of the Council determining, when the Votes for any such Person or Persons shall have been equal, or in case there shall have been no Contest, who shall be the Alderman or Aldermen first to go out of Office; and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election: Provided always, that any Alderman on going out of Office may be forthwith re-elected, if then qualified.

When Day of
Election falls
on a Sunday.

LXIII. And be it enacted, That whenever any Day appointed by this Act as a Day of Election or for doing any Act in any Year shall happen on a *Sunday*, in every such Case the Election shall be holden and the Act done on the following *Monday*.

Elections how
to be held.

LXIV. And be it enacted, That the first Election of Aldermen and of Councillors within any Ward according to the Provisions of this Act shall be holden before the Barrister to be appointed by the Lord Lieutenant to revise the Lists of Burgesses as aforesaid, or the Person whom the said Barrister shall appoint for that Purpose in such Ward respectively, and such Barrister or other Person shall for that Purpose be in the Place
and

and Stead of the Alderman and Assessors, and shall have all such Powers as the Alderman and Assessors will possess in the subsequent Elections; and every subsequent Election of Aldermen or of Councillors within any Ward according to the Provisions of this Act shall be holden before an Alderman and the Assessors for the Time being of such Ward, except as herein is excepted, the senior Alderman presiding when there is more than One; and the voting at every such Election shall commence at Nine of the Clock in the Forenoon, and shall finally close at Four of the Clock in the Afternoon of the same Day, and shall be conducted in manner following; (that is to say,) every Burgess entitled to vote in the Election may vote for any Number of Persons, not exceeding the Number of Aldermen or Councillors then to be chosen, by delivering to the Mayor or Barrister, or Alderman or Person appointed as aforesaid, (as the Case may be,) a Voting Paper containing the Christian Names and Surnames of the Persons for whom he votes, with their respective Places of Abode and Descriptions, such Paper being previously signed with the Name of the Burgess voting, and with the Name of the Street, Lane, or other Place in which the Property in respect of which he is enrolled is situated.

Mode of voting.

LXV. And be it enacted, That at every Election under this Act in any Borough the Mayor or Barrister, or Alderman or other Person, before whom the Election shall be held, if it shall appear to him expedient for taking the Poll at such Election, may cause Booths to be erected, or Rooms to be hired and used as such Booths, for different Parts of such Borough, and such Booths or Rooms may be situated either in one Place or in several Places, and shall be so divided and allotted into Compartments as to him shall seem most convenient; and the Mayor or Alderman, or Barrister or other Person, shall appoint a Clerk to take the Poll at each Compartment, and shall cause to be affixed on the most conspicuous Part of each of the said Booths the Names of the Parts of the Borough for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such Election except at the Booth allotted for the Part wherein the House, Warehouse, Counting-house, or Shop occupied by him, as described in the Burgess Roll, may be; but in case no Booth shall happen to be provided for any particular Part as aforesaid, the Votes of the Persons voting in respect of Property situate in any Part so omitted may be taken at any of the said Booths; and public Notice of the Situation, Division, and Allotments of the different Booths shall be given, Two Days before the Commencement of the Poll, by the Mayor or Alderman, or Barrister or other Person; and in case the Booths shall be situated in different Places, the Mayor or Alderman, or Barrister or other Person, may appoint a Deputy to preside at each Place: Provided that no Election shall be holden under this Act in any Borough in any Church, Chapel, or other Place of Public Worship.

Polling Booths to be provided.

LXVI. And

No Inquiry of the Voter, except as to his Identity, and whether he has voted before at the same Election.

LXVI. And be it enacted, That no Inquiry shall be permitted at any Election as to the Right of any Person to vote as a Burgess in any Borough, except only as follows; (that is to say,) that the Mayor or other presiding Officer shall, if required by any Two Burgesses entitled to vote in the same Borough, put to any Voter, at the Time of his delivering in his Voting Paper, and not afterwards, the following Questions, or any of them, and no other :

Forms of Questions to these Points.

1. Are you the Person whose Name is signed as *A. B.* to the Voting Paper now delivered in by you ?
2. Are you the Person whose Name appears as *A. B.* on the Burgess Roll now in force for this Borough, being registered therein for Property described to be situated in ? [*Here specify the Street, &c. as described in the Burgess Roll.*]
3. Have you already voted at the present Election, in this or any other Ward ?

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

Poll may be closed if an Hour has elapsed without a Vote being tendered.

LXVII. And be it enacted, That at any Election under the Provisions of this Act it shall be lawful for the presiding Officer to close the Poll at any Time before Four of the Clock, if One Hour shall have elapsed during which no Vote shall have been tendered for any Candidate; provided that no Person or Persons have within the last Hour been prevented from coming to the Poll by any Riot, Violence, or other unlawful Means, of which Notice shall have been given to the Returning Officer.

Result of Election how to be declared.

LXVIII. And be it enacted, That the Mayor and Assessors, or the Alderman and Assessors, or the Barrister or other Person appointed as aforesaid, (as the Case may be,) shall examine the Voting Papers so delivered as aforesaid, for the Purpose of ascertaining which of the several Persons voted for are duly elected; and so many of such Persons, being equal to the Number of Persons then to be chosen, as shall have the greatest Number of Votes, shall be deemed to be elected; and in case of an Equality in the Number of Votes for any Two or more Persons, the Mayor and Assessors, or Alderman and Assessors, or any Two of them, or, at the First Election, the Barrister, or other Person appointed by the Barrister as aforesaid, shall name, from amongst those Persons for whom the Number of Votes shall be equal, so many as shall be necessary to complete the requisite Number of Persons to be chosen Aldermen or Councillors, as the Case may be; and the Mayor shall cause the Voting Papers to be kept in the Office of the Town Clerk during Six Calendar Months at the least after every such Election; and the Town Clerk shall permit any Burgess,

Burgess, or any Two Burgesses together, to inspect the Voting Papers of any Year, on Payment of One Shilling for every Search; and the Mayor shall publish a List of the Names of the Persons so elected, together with the Number of Votes given in favour of each Person so elected, not later than Two of the Clock in the Afternoon of the Day next but One following the Day of such Election.

LXIX. And be it enacted, That if at any Election of Aldermen, Councillors, or Assessors for any Borough to be divided into Wards according to the Provisions and Directions herein contained any Person shall be elected an Alderman, Councillor, or Assessor in more than One of the Wards of such Borough, he shall within Three Days after Notice thereof choose, or in default the Mayor shall declare, for which one of the said Wards such Alderman, Councillor, or Assessor shall serve, and such Person shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

Manner of proceeding if any Person is elected a Councillor in more than One Ward.

LXX. And be it enacted, That on the Third Day of *November* in the Year in which this Act shall come into operation in every Borough, and in every succeeding Year, the Burgesses of the whole Borough shall, at an Election to be holden before the Mayor, elect from the Persons qualified to be Councillors, by a Majority of Votes, Two Burgesses, who shall be and be called "Auditors" of such Borough, and Two Burgesses, who shall be and be called "Assessors" of such Borough; and besides the Two Assessors chosen as aforesaid by the Burgesses for the whole Borough to hold the Court with the Mayor for revising the Burgess Lists, the Burgesses of every Ward shall, on the Third Day of *November* next after the Election of Councillors in such Ward, and in every subsequent Year, elect from the Persons qualified to be Councillors Two Assessors for such Ward, in the Form and Manner herein-before provided for the Election of Councillors; and every such Auditor and Assessor shall continue in Office until the Tenth Day of *November* in the Year following his Election; and the Election of such Auditors and Assessors respectively shall be in Form and Manner herein-before provided for the Election of Councillors: Provided nevertheless, that in every such Election of Auditors or Assessors of the Borough, or Assessors of the Ward, no Burgess shall vote for more than One Person to be an Auditor or Assessor: Provided also, that no Burgess shall be eligible to be or be elected such Auditor or Assessor as aforesaid who shall be of the Council, or the Town Clerk or Treasurer of such Borough; and no Auditor shall be eligible to be elected Alderman or Councillor, or appointed to be Town Clerk or Treasurer of the Borough, during the Time of his being such Auditor; and no Assessor shall be eligible to be elected Alderman or Councillor during the Existence of the Burgess Roll formed from the Lists with respect to which he shall have acted as such Assessor, or appointed to be Town Clerk or Treasurer during the Time of his being such Assessor.

Election of Auditors and Assessors.

LXXI. And

If the Mayor
absent or in-
capable of acting
at Elections,
&c. Council to
appoint an Al-
derman to exe-
cute the Duties.

LXXI. And be it enacted, That if the Mayor of any Borough shall, at the Time when it shall be necessary to execute the Powers and Duties herein provided with respect to the Revision of the Lists of Burgesses, or with respect to Elections, be dead, absent, or otherwise incapable of acting, or if there shall be then no Mayor, the Council of such Borough shall forthwith elect One of the Aldermen to execute all such Powers and Duties in his Place, whose Acts shall be as valid as any Act of the Person instead of whom he shall have been so elected.

In case of Ill-
ness, &c. of
Aldermen.

LXXII. And be it enacted, That in case of the Illness or Incapacity to act of any Alderman at any Election, the Mayor shall be empowered to appoint another Alderman to act in the Room of such Alderman during such Illness or Incapacity.

Assessor may
appoint a De-
puty.

LXXIII. And be it enacted, That every Assessor shall be empowered, and he is hereby directed, as soon as conveniently may be after his Election, and from Time to Time as the Occasion may arise or to him may seem fit, to appoint under his Hand a Deputy to act for him, in case of his Illness or Incapacity to act, at any Election or any Revision of the Burgess Lists; and every such Appointment shall be signified by him in Writing under his Hand to the Council, and shall be recorded on the Minutes of their Proceedings.

Where the Bo-
rough is not
divided into
Wards, the
Elections for
the whole Bo-
rough to be
similar to Elec-
tions in Wards.

LXXIV. And be it enacted, That in every Borough named in the said Schedule (B.), and in every other Town in *Ireland* to which a Charter of Incorporation under this Act shall be granted as aforesaid, and which shall not thereby be divided into Wards, the Aldermen and Councillors to be assigned to such Borough shall be elected by the Burgesses of the whole Borough, in like Manner, and at the like Times, and before the like Persons, and with the like Powers, and with the like Penalties, and subject to the like Regulations, as the Aldermen and Councillors of any Ward are directed by the Provisions herein-before contained to be elected in that Ward, at the first or any other Election under this Act, except that every such Election herein-before directed to be holden before an Alderman and Two Assessors of the Ward shall be holden before the Mayor and Two Assessors of the Borough; and the Two Assessors chosen to hold the Court with the Mayor for revising the Burgess Lists shall also perform all the same Duties, and shall have the same Powers, within the Borough, as are to be performed and exercised in a Borough divided into Wards by the Two Assessors chosen for each Ward; and the Votings and other Proceedings in all other respects at such Elections within such Borough shall be conducted in the same Manner as is herein-before directed with regard to similar Elections in Wards; and in every Borough named in the said Schedule (B.) to which no Charter of Incorporation under this Act shall be granted as aforesaid, the Municipal Commissioners of such Borough shall be elected in like Manner, and at the like Times, and before the like Persons, and with the like Powers, and with the like Penalties, and subject to the like Regulations,

as

as the Councillors in such Boroughs to which Charters of Incorporation under this Act shall or might be granted, and which shall not thereby be divided into Wards, except as to Assessors of the Borough, and except that upon the Twenty-fifth Day of *October* in every Third Year only following that in which this Act shall come into operation in such Borough the whole Number of Municipal Commissioners of such Borough then elected as aforesaid shall go out of Office, and the Persons then entitled to vote at such Elections shall elect the Number of Municipal Commissioners then required to constitute such Board as aforesaid, according to the Provisions herein-before contained; and all the Provisions herein contained relative to any Councillor of any Borough shall, except as aforesaid, apply to any Municipal Commissioner of any Borough; and all the Provisions relative to any Burgess of any Borough at such Elections shall apply to any Person who is or was entitled to vote at the Election of the Municipal Commissioners of any Borough; and all the Provisions relative to the Burgess Roll of any Borough shall apply to the Rate for the Relief of the Poor of the Union in which any such Person is rated for any Property in such Borough.

LXXV. And be it enacted, That after the Declaration of the First Election of the Councillors under the Provisions of this Act in any Borough named in the said Schedule (A.) the Mayor, Aldermen, and Common Councilmen, and all other Members of the Common Council or governing Body of the Body Corporate, if any, named in conjunction with such Borough in the said Schedule (A.), by whatever Name or Style they may be known or called then in Office, or elected to any Office, shall go out of Office, and their whole Powers and Duties shall cease: Provided nevertheless, that any of the said Persons shall be eligible to be elected and appointed under the Provisions of this Act: Provided also, that such Persons as by virtue of any Charter are Justices of the Peace in any Borough named in the said Schedule (A.) at the Time when this Act shall come into operation shall continue to have and exercise all the Powers which at the Time when this Act shall come into operation they have as Justices of the Peace, until the First Day of *December* next after the first Election of Councillors under this Act in that Borough, and no longer.

Existing Mayors and Councils of Boroughs in Schedule (A.) to go out of Office on Election of Councils under this Act.

Exception as to those who act as Justices.

LXXVI. And be it enacted, That in every such Borough in which, by Statute, Charter, Bye Law, or Custom, any Election is appointed to be holden between the Day on which this Act shall come into operation in that Borough and the Twenty-fifth Day of *October* then next following, both inclusive, no such Election shall be holden, but every Person holding Office in any such Borough on the Day on which this Act shall come into operation in that Borough shall hold such Office, and have all the Powers, and be subject to all the Duties, and be entitled to the same or a Proportion of the same Salary and Fees of such Office for the Time for which he shall act, as if he had been elected to such Office between the Day on which

Certain Elections not to be had.

this Act shall come into operation in that Borough and the Twenty-fifth Day of *October* then next following, until the Time provided by this Act for him to go out of Office.

After the Commencement of the Act, existing Mayors, &c., and Officers of Boroughs in Schedule (B), to continue Election or Dissolution.

LXXVII. And be it enacted, That after the passing of this Act no Election shall be holden for any Officer of the Body Corporate named in the said Schedule (B.) in conjunction with such Borough, except for the Purpose of supplying a Vacancy occasioned by Death, Removal; or Resignation; and in every Case in which an Election of any such Officer is appointed by any Statute, Charter, Bye Law, or Custom to be holden between the Day of the passing of this Act and the Day on which such Body Corporate shall by virtue of this Act be dissolved, the Person holding or elected to such Office on the Day of the passing of this Act shall hold such Office, and have all the Powers, and be subject to all the Duties belonging thereto, in the same Manner as if he had been elected to such Office at any Time after the passing of this Act: Provided always, that no Person so elected for the Purpose of supplying such Vacancy shall be entitled to any Compensation under the Provisions of this Act.

The Power of Mayors, &c. to cease on Dissolution of the Corporation.

LXXVIII. And be it enacted, That the Powers and Duties of the Mayor, Aldermen, and Common Councilmen, and all other Members, by whatever Name or Style they may be called, of every Body Corporate named in the said Schedules (B.) and (I.) respectively, shall cease on the Day on which such Body Corporate shall be dissolved by virtue of the Provisions herein-before contained.

Powers of Justices to cease on Dissolution, except in Galway and Carrickfergus, where they are to continue in Office until a separate Commission is granted to each Town.

LXXIX. And be it enacted, That the Powers and Duties of all Persons who by virtue of any Charter shall be Justices of the Peace in any of the said Boroughs named in the said Schedule (B.) shall cease on the Day on which such Body Corporate shall be dissolved by virtue of the Provisions herein-before contained: Provided always, that when the Body Corporate of the Boroughs of *Galway* and *Carrickfergus* respectively shall be dissolved, the Powers and Duties of all Persons who by virtue of any Charter shall on the Day preceding such Dissolution be Justices of the Peace in either of such Boroughs, notwithstanding they may have ceased to hold the Office by virtue of which they shall be such Justices, shall continue until a separate Commission of the Peace shall have been granted to the Borough in which they shall be such Justices, and no longer.

The Powers of salaried Magistrates under Acts of Parliament continued until determined by the Lord Lieutenant.

LXXX. And be it enacted, That the Powers and Duties of all Persons who, on the Day preceding the Dissolution of any Body Corporate by virtue of this Act, shall be Justices of the Peace with Salaries or Fees, by virtue of any Act or Acts of Parliament now in force, in the Boroughs named in the said Schedule (B.) to this Act annexed in connexion with such Body Corporate, whether such Persons shall be Justices in their respective Corporate Capacities, or shall have been elected or appointed by any such Body Corporate, or any Member or Members thereof in his or their Corporate Capacity, and where such Persons shall have been such Justices in their respective Corporate Capacities, notwithstanding that they shall have ceased to

to hold the Offices by virtue of which they shall be such Justices, shall continue, and the same Police Office, and Officers and Servants and Establishments for the Performance of such Powers and Duties, and all Laws and Provisions relating thereto, shall be continued and remain in force, in the same Manner as if this Act had not been passed, until such Time as the Lord Lieutenant shall, by Notice to be published in the *Dublin Gazette*, declare that the same shall determine; and at the Time to be mentioned in any such Notice the Powers and Duties of the Person or Persons therein named as Justice or Justices in such Town shall cease.

LXXXI. And be it enacted, That if any extraordinary Vacancy shall be occasioned in the Office of Councillor, Municipal Commissioner, Auditor, or Assessor for any Borough, the Burgesses or Persons entitled to vote shall, on a Day to be fixed by the Mayor of such Borough, or by the Alderman, appointed as aforesaid, of the Ward in which the Vacancy has happened, accordingly as the Election is to be by the Burgesses or Voters of the whole Borough or of any particular Ward (such Day not to be later than Ten Days after such Vacancy), elect from the Persons qualified to be Councillors or Commissioners another Person qualified to supply such Vacancy; and such Election shall be held, and the voting and other Proceedings, in case of a Contest, shall be conducted in the same Manner and subject to the same Provisions as are herein-before enacted with respect to the Election of Councillors as aforesaid; and every Person so elected shall hold such Office until the Time at which the Person in room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but shall be capable of immediate Re-election, if then qualified as herein provided.

Occasional
Vacancies of
Councillors to
be filled up by
fresh Elections.

LXXXII. And be it enacted, That if any extraordinary Vacancy shall be occasioned in the Office of Alderman by reason of any Person who shall have been elected to such Office not accepting the same, or by reason of his dying, or ceasing to hold the said Office, the Burgesses of the Ward in which the Vacancy may have occurred shall, on a Day to be fixed by the Mayor of such Borough, or by the Alderman, appointed as aforesaid, of the Ward in which the Vacancy has happened, or, if there shall be no Alderman appointed as aforesaid, by such Alderman or Councillor as shall have been appointed for that Purpose by the Council (such Day not to be later than Ten Days after such Vacancy), elect out of the Councillors, or Persons qualified to be Councillors of the Borough, another fit Person to be an Alderman of the Ward, instead of the Person so declining, dying, or ceasing to hold Office.

Occasional
Vacancies in
the Office of
Alderman to be
supplied.

LXXXIII. And be it enacted, That on the First Day of *November* in every Year the Council of the Borough shall elect out of the Aldermen or Councillors of such Borough a fit Person to be the Mayor of such Borough, who shall continue in his Office for One whole Year, and until his Successors shall have accepted the Office of Mayor, and shall have made and

Election of
Mayor by
Council.

subscribed the Declaration required in that Behalf; and in case of an Equality of Votes in any Election of Mayor, the Alderman who shall have been elected by the greatest Number of Votes shall have a second or casting Vote; and in case a Vacancy shall be occasioned in the Office of Mayor of the Borough during such Year, by reason of any Person who shall have been elected to such Office not accepting the same, or by reason of his dying, or ceasing to hold the said Office, the Council of the Borough shall, within Ten Days after such Vacancy, elect out of the Aldermen or Councillors of the said Borough another fit Person to be the Mayor thereof for the Remainder of the then current Year; and in like Manner, and at the like Times, and subject to the like Regulations, the Board of Municipal Commissioners of any Borough shall elect out of the Commissioners of such Borough a fit Person to be the Chairman of such Commissioners.

The Mayor to be a Justice of the Peace for the Borough and Returning Officer at Elections of Members to serve in Parliament.

LXXXIV. And be it enacted, That the Mayor for the Time being of every Borough shall be a Justice of the Peace of and for such Borough, and such Mayor shall during his Mayoralty have Precedence in all Places within the Borough, and in Boroughs which return a Member or Members to serve in Parliament, other than Cities and Towns which are Counties of themselves, the Mayor, or in any such Borough in which there shall be no Mayor, the Sheriff of the County in which the Whole or the greater Part of such Borough shall be situate, shall be the Returning Officer at all Elections for such Members; and in case the Mayor shall, at the Time when it shall be necessary to execute the Powers and Duties herein provided with respect to any Elections, be dead or absent, or otherwise incapable of acting, the Council of such Borough shall forthwith elect One of the Aldermen to be the Returning Officer for such Borough, in the Place of the Mayor being so dead, absent, or otherwise incapable.

Mayor, Aldermen, Councillors, &c. not to act until they have made a Declaration of Acceptance of Office.

LXXXV. And be it enacted, That no Person elected a Mayor, Alderman, Councillor, Municipal Commissioner, Auditor, or Assessor for any Borough, or Alderman, Councillor, or Assessor for any Ward of any Borough, under the Provisions of this Act, shall be capable of acting as such, except in administering the Declaration herein contained, until he shall have made and subscribed before any Two or more of such Aldermen, Councillors, or Commissioners (who are hereby respectively authorized and required to administer the same) a Declaration in the Words or to the Effect following; (that is to say,)

‘ I *A.B.*, having been elected Mayor [*or Alderman, Councillor, Municipal Commissioner, Auditor, or Assessor*] for the Borough of [or for the Ward of] in the Borough of], do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the Duties thereof according to the best of my Judgment and Ability.’

And in the Case of the Party being required to be qualified by Estate,

‘ And

‘ And I do hereby declare, That I am seised or possessed of
 ‘ Real or Personal Estate [*or both, as the Case may be*] to the
 ‘ Amount of One thousand Pounds or Five hundred Pounds
 ‘ [*as the Case may require*] over and above what will satisfy my
 ‘ Debts.’

Or when a Qualification by reason of the Occupancy of a House is allowed,

‘ That I now occupy, and have for Twelve Calendar Months
 ‘ last past occupied, a House rated for the Relief of the Poor
 ‘ at the net annual Value of not less than Twenty-five Pounds,
 ‘ [*or* Pounds, *as the Case may require*] situate within the
 ‘ Borough.’

And that every Alderman who shall have made and subscribed the foregoing Declaration in respect of Estate shall, once in every Period of Three Years, if required in Writing so to do by any Two Members of the Council, make and subscribe a Declaration that he is qualified to the same Amount in Real or Personal Estate, or both, as the Case may then be, as the Amount mentioned in the Declaration originally made or subscribed by him; and every Mayor, Alderman, Councillor, Municipal Commissioner, Auditor or Assessor, who shall in any such Declaration wilfully make a false Statement, shall be deemed guilty of a Misdemeanor, and may be indicted and punished [accordingly: Provided always, that nothing in this Act contained shall be construed to dispense with the Obligation of any Person to make and subscribe the Oath provided and enjoined by an Act made in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*.

10 G. 4. c. 7.

LXXXVI. And be it enacted, That every Person duly qualified who shall be elected to the Office of Alderman, Councillor, Auditor, or Assessor, and every Councillor or Alderman who shall be elected to the Office of Mayor for any Borough, shall accept the Office to which he shall have been so elected, or shall in lieu thereof pay to the Mayor, Aldermen, and Burgesses of such Borough such Fine, not exceeding Fifty Pounds in case of Aldermen, Councillors, Assessors, or Auditors, and such Fine not exceeding One hundred Pounds in case of Mayor, as the Council of such Borough, by a Bye Law to be made as herein-after provided, shall declare in that Behalf; and such Fine, if not duly paid, shall be levied by the Warrant of any Justice having Jurisdiction within such Borough, who is hereby required, on Application of the Council, to issue the same, by Distress and Sale of the Goods and Chattels of the Person so refusing to accept such Office, with the reasonable Charges of such Distress, and shall also be recoverable by way of Civil Bill in any Action of Debt, at the Suit of the Mayor, Aldermen, and Burgesses of such Borough, in the Court of the Assistant Barrister, Chairman, or Recorder having Jurisdiction by way of Civil Bill within such Borough; and every such Person so elected shall accept such Office, by making and subscribing the Declaration herein-before mentioned within Five

Every Person
 elected to the
 Office of Alderman,
 Councillor, &c. and
 every Councillor
 or Alderman
 elected to the
 Office of Mayor,
 shall accept the
 Office, or pay a
 Fine to the
 Borough Fund.

Acts and Proceedings of such Person valid, notwithstanding his Disqualification.

to bring such Action; and in case the Plaintiff in any such Action shall obtain a Verdict the Money to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned as follows; (that is to say,) one Moiety thereof to the Person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough or Town Fund: Provided also, that all Acts and Proceedings of any Person in Possession of the Office of Mayor, Alderman, Councillor, Commissioner, Auditor, or Assessor, and acting as a Mayor, Alderman, Councillor, Commissioner, Auditor, or Assessor, shall, notwithstanding such Disqualification or Want of Qualification, or any other Defect or Want of Title, be as valid and effectual as if such Person had been duly qualified or entitled; and no Person enrolled on the Burgess Roll for the Time being of any Borough, and who shall act as Mayor, Alderman, Councillor, Auditor, or Assessor in that Borough, shall be liable to any Penalty for so acting, on the Ground that he was not entitled to be on the Burgess List of such Borough.

Penalty on Persons convicted of Bribery.

XC. And be it enacted, That if any Person who shall have or claim to have any Right to vote in any Election of Mayor, or of an Alderman, Councillor, Municipal Commissioner, Auditor, or Assessor of any Borough or Ward, shall after the passing of this Act ask or take any Money or other Reward by way of Gift, Loan, or other Device, or agree or contract for any Money, Gift, Office, Employment, or other Reward whatsoever, to give or forbear to give his Vote in any such Election, or if any Person, by himself or any Person employed by him, shall, by any Gift or Reward, or by any Promise, Agreement, or Security for any Gift or Reward, corrupt or procure, or offer to corrupt or procure, any Person to give or forbear to give his Vote in any such Election, such Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Fifty Pounds, to be recovered, together with full Costs of Suit, by any one who shall sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record at *Dublin*; and any Person offending in any of the Cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any Election in such Borough, or in any Municipal or Parliamentary Election whatever in any Part of the United Kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any Office or Franchise to which he then shall or at any Time afterwards may be entitled as a Burgess or Voter of such or any other Borough, as if such Person was naturally dead: Provided nevertheless that if any Person offending in any of the Cases aforesaid shall, within the Space of Twelve Calendar Months next after such Election as aforesaid, discover any other Person or Persons offending in any of the Cases aforesaid, so that such Person or Persons so discovered be thereon convicted, such Person so discovering, and not having been before that Time convicted of any

Persons offending herein discovering others so offending discharged from Penalties.

any such Offence, shall be indemnified and discharged from all Penalties and Disabilities which he shall then have incurred by any such Offence.

XCI. Provided always, and it is hereby enacted, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty by this Act imposed in any of the Cases aforesaid, unless Prosecution be commenced within One Year after such Incapacity, Disability, Forfeiture, or Penalty shall be incurred; any thing herein contained to the contrary notwithstanding.

No Person liable to Penalty, &c. unless Prosecution commenced within a Year.

XCII. And be it enacted, That all Acts whatsoever authorized or required by virtue of this Act to be done by the Council or Board of Municipal Commissioners of any Borough, and all Questions of Adjournment or others that may come before such Council or Commissioners, may be done and decided by the Majority of the Members or Board who shall be present at any Meeting held in pursuance of this Act, the whole Number present at such Meeting not being less than One Third Part of the Number of the whole Council or Board; and at all such Meetings the Mayor or Chairman, if present, shall preside; and the Mayor or Chairman, or, in case of his Absence, such Alderman or Councillor or Commissioner as the Members then assembled shall choose to be the Chairman of that Meeting, shall have a second or casting Vote in all Cases of Equality of Votes; and Minutes of the Proceedings of all such Meetings shall be drawn up, and fairly entered into a Book to be kept for that Purpose, and shall be signed by the Mayor, Alderman, or Councillor or Commissioner presiding at such Meeting; and the said Minutes shall be open to the Inspection of any Burgess or Voter at all reasonable Times, on Payment of a Fee of One Shilling, and any Burgess or Voter shall be at liberty at all seasonable Times to make any Copy or take any Extract from such Book: Provided always, that previous to any Meeting of the Council or Board held by virtue of this Act a Notice of the Time and Place of such intended Meeting shall be given Three clear Days at least before such Meeting, by fixing the said Notice on or near the Door of the Town Hall of the Borough; and such Notice shall be signed by the Mayor or Chairman, who shall have Power to call a Meeting of the Council or Board as often as he shall think proper; and in case the Mayor or Chairman shall refuse to call any such Meeting after a Requisition for that Purpose signed by Five Members of the Council or Board at the least shall have been presented to him, it shall be lawful for the said Five Members to call a Meeting of the Council or Board, by giving such Notice as is herein-before required in that Behalf, such Notice to be signed by the said Members instead of the Mayor or Chairman, and stating therein the Business proposed to be transacted at such Meeting; and in every Case a Summons to attend the Council or Board, specifying the Business proposed to be transacted at such Meeting, signed by the Town Clerk, shall be left at the usual Place of Abode of every Member

Questions to be decided by a Majority of Councillors present, the Number present not being less than One Third of the whole Number.

Minutes of Proceedings to be kept.

Notice of Meetings.

Meetings by Requisition.

Quarterly Meetings.

Member of the Council or Board, or at the Premises in respect of which he is enrolled a Burgess or is qualified to vote as aforesaid, Three clear Days at the least before such Meeting; and no Business shall be transacted at such Meeting other than is specified in the Notice: Provided always, that there shall be in every Borough Four Quarterly Meetings in every Year, at which the Council or Board shall meet for the Transaction of general Business, and no Notice shall need to be given of the Business to be transacted on such Quarterly Days; and the said Quarterly Meetings shall be holden at Noon on the First Day of *November*, and at such Hour on such other Three Days before the Twenty-fifth Day of *October* then next following as the Council or Board at the Quarterly Meeting in *November* shall decide; and the first Business transacted at the Quarterly Meeting in *November* shall be the Election of Mayor or Chairman.

Power to appoint Town Clerk, Treasurer, and other Officers, and to take Security for due Discharge of their official Duties.

XCIII. And be it enacted, That the Council or Board of Commissioners acting in the Execution of this Act in any Borough in the Year in which this Act shall come into operation shall appoint, to be removeable at their Pleasure, a fit Person, not being a Member of the Council or Board, to be the Town Clerk of such Borough, and in every Year one other fit Person, not being a Member of the Council or Board, to be the Treasurer of the Borough, and the Council of any Borough may also appoint such other Officers as have been usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various Powers and Duties vested in them by virtue of this Act, and may from Time to Time discontinue the Appointment of such Officers as shall appear to them not necessary; and such Council or Board shall take such Security for the due Execution of his Office by any such Town Clerk, Treasurer or other Officer, as the said Council or Board shall think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such Officer to be employed as aforesaid, such Salary or Allowance as the said Council or Board shall think reasonable; and in case of a Vacancy in any such Office as aforesaid, by Death, Resignation, Removal, or otherwise, the Council or Board of such Borough may appoint another fit Person in the Place of the Person so making such Vacancy; provided that the Town Clerk and Treasurer shall not be the same Person.

Restricting the Creation of Officers in Boroughs.

XCIV. Provided always, and be it enacted, That no Appointment of any Officer, other than such as shall usually have been appointed in such Borough, shall be made until a Statement in Writing shall have been submitted by the Council to the Lord Lieutenant, describing the Nature and proposed Tenure of the Office about to be created, and the Reasons for creating it, and also the Salary proposed to be paid to the Officer when appointed, nor until the Consent of the Lord Lieutenant to the making of such Appointment shall, subsequently to the Receipt of such Statement, have been signified by

by Warrant under his Hand, which Warrant shall be entered upon the Minute Book of the Council.

XCV. And be it enacted, That every Treasurer, Town Clerk, or other Officer appointed by the Council or Board as aforesaid shall at such Times during the Continuance of his Office, or within Three Calendar Months after the Expiration of his Office, and in such Manner as the said Council or Board shall direct, deliver to the Council or Board, or to such Person as they shall authorize for that Purpose, a true Account in Writing of all Matters committed to his Charge by virtue of this Act, or under Colour of his Office, and also of all Monies which shall have been by him received by virtue or for the Purposes of this Act, or under Colour of his Office, and how much thereof shall have been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all such Persons as shall not have paid the Monies due from them for the Purposes of this Act, and of the Amount due from each of them; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Council or Board shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to such Account, or such List as aforesaid, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council or Board, or to such Person as they shall authorize, within Three Days after being thereunto required by Notice in Writing under the Hands of any Three or more of the said Council or Commissioners, to be given to or left at the last Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Council or Board, or to such other Person as aforesaid, respecting the same, then and in every such Case, upon Complaint made on behalf of the said Council or Board, by such Person as they shall authorize for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County or other Jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his Hand and Seal for bringing such Officer before any Two Justices of the Peace for such County or Jurisdiction; and upon the said Officer appearing, or not being found, it shall be lawful for such Justices to hear and determine the Matter in a summary Way; and if it shall appear to such Justices that any Monies remain due from such Officer such Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods of such Officer; and if sufficient Goods shall not be found to satisfy the said Monies, and the Charges of the Distress, or if it shall appear to such Justices that such Officer

Officers to account, &c. according to the Orders of the Council or Board.

Summary Remedy against Officers not accounting, &c.

has

has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or such List as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County or Jurisdiction where such Offender shall be or reside, there to remain without Bail until he shall have paid such Monies as aforesaid, or shall have compounded with the said Council or Board for such Monies, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Council or Board are hereby empowered to make and receive), or until he shall have delivered a true Account as aforesaid, together with such Vouchers and List as aforesaid, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof, to the said Council or Board, or to such other Person as aforesaid, as the Case may be: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only, for a longer Space of Time than Three Calendar Months: Provided also, that nothing in this Act contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid, or against any Surety for any such Officer; but such Officer shall not be sued by Action and also proceeded against in a summary Manner by virtue of this Act for the same Cause.

Remedy by
Action.

Duties of Sheriffs performed by other Officers to cease on Dissolution of certain Corporations.

XCVI. And be it enacted, That such of the Powers and Duties of any Mayor, Bailiff, Provost, or Portreeve of any Borough named in the said Schedules (B.) and (L.) to this Act annexed, or either of them, as are exercised and performed in other Places by Sheriffs, and as are not otherwise provided for by this Act, shall, when the Body Corporate named in connexion with such Borough in the said Schedules shall be dissolved by virtue of this Act, cease on the Day on which such Body Corporate shall be dissolved.

Coroners of Boroughs in Schedule (B.) to be discontinued on Dissolution of those Corporations.

XCVII. And be it enacted, That the Powers and Duties of Coroners of any Boroughs named in the said Schedule (B.) to this Act annexed shall, when the Body Corporate named in connexion with such Borough in the said Schedule shall be dissolved by virtue of this Act, cease on the Day on which such Corporation shall be dissolved, save as to the Persons now authorized to act as Coroners therein, who shall continue to act and to be paid as Coroners as if this Act had not been passed, liable to be removed by the Court of Chancery in *Ireland* in the same Manner as any Coroner in *Ireland* may now be removed by that Court.

Freeholders of Galway to fill up Vacancies in the Office of Coroner.

XCVIII. And be it enacted, That when and so often as there shall be any Vacancy in the Office of Coroner of the said Borough of *Galway* it shall be lawful for the Freeholders of the

Town

Town and County of the Town of *Galway* whose Names shall be upon the Register of Voters for that Town and County for the Time being, to elect some fit and proper Person to be such Coroner; and at every such Election the Sheriff, or some Person deputed by him for that Purpose, shall be the presiding Officer.

XCIX. And be it enacted, That every Person who shall have been elected or appointed by any Body Corporate named in any of the Schedules to this Act annexed, or by any Member or Members thereof in his or their Corporate Capacity, to be a Clerk of a Market, or a Weighmaster of all Goods, Wares, and Merchandizes, or a Weighmaster of Butter, or Taster of Butter, or Assay Master, and shall not be entitled to such Office as a Member of such Body Corporate in his Corporate Capacity, shall continue to hold such Offices, and to execute all the Duties heretofore belonging thereto, as if this Act had not passed: Provided always, that if such Office shall be filled up upon any Resignation or Removal made after the passing of this Act, in such Case the Person appointed to such Office may be removed at the Pleasure of the Lord Lieutenant, and any Person so removed shall not be entitled to Compensation under the Provisions of this Act.

Clerks of Markets or Weighmaster appointed by Corporations to continue in their Offices as if this Act had not been passed.

C. And be it enacted, That the Council elected under this Act in any Borough named in the said Schedule (A.) shall have Power to remove from his Office every Town Clerk, Bailiff, Treasurer, or Chamberlain, and every other ministerial or executive Officer of such Borough and Body Corporate, except the Sheriff, who shall be in Office at the Time of the First Election of Councillors under this Act; and every such Town Clerk, Bailiff, Treasurer, or Chamberlain, and every other ministerial or executive Officer in such Borough, shall continue to act in the same Capacity as heretofore, and to execute all the Duties heretofore belonging to his Office, and be entitled to have the same Salaries, Fees, and Emoluments as he would have had if this Act had not been passed, until he shall be removed from his Office, and no longer, unless he shall be re-appointed according to the Provisions of this Act; and any Commissioners acting in execution of any of the Powers of this Act shall have Power to re-appoint to Office any Town Clerk or Treasurer of any Borough who shall have been deprived of Office by virtue or in pursuance of this Act; and every Officer who shall be in Possession or Receipt of any Monies, Goods, valuable Securities, Books, or Papers belonging to or concerning the Borough or the Body Corporate whose Officer he is, shall deliver up and account for the same to the Council of such Body Corporate, or any Commissioners acting for such Borough under this Act; and in case they or any of them shall refuse or wilfully neglect to deliver such Accounts, Vouchers, and Lists, or to make such Payments, or to deliver such Books, Papers, and Writings, or to give Satisfaction respecting the same, as is herein-before provided in the Case of Officers appointed by any Council or Board, they and

Officers to continue until removed.

and every of them may in like Manner be proceeded against, and shall be subject and liable to the several Provisions hereinbefore contained in Cases of Officers appointed by any Council or Board; and all the Charters, Deeds, Muniments, and Records of every Borough, or relating to the Property thereof, shall be kept in such Place as the Council or Commissioners acting in execution of this Act from Time to Time shall direct, and the Town Clerk for the Time being shall have the Charge and Custody of and be responsible for the same; and every Person who shall be a Town Clerk, Bailiff, Treasurer, or Chamberlain, or other ministerial or executive Officer of any Body Corporate named in the said Schedule (B.) to this Act annexed which shall be dissolved by virtue of this Act, and who shall be in such Office at the Time of such Dissolution, shall continue to execute all the Duties heretofore belonging to his Office, so far as the same are not inconsistent with the Provisions of this Act, in the same Manner as he would have done if this Act had not been passed, until he shall be removed from his Office by any Commissioners appointed or acting, or to be appointed or to act, in such Borough by virtue of this Act, or where there shall be no such Commissioners by the Lord Lieutenant: Provided always, that nothing herein contained shall extend to authorize the Removal from his Office of the Pilot of the Town of *Galway*, unless for some Cause for which he might be removed if this Act had not been passed, and that for any such Cause he shall be removeable by the Harbour Commissioners; and that on any Vacancy which shall occur in that Office the Harbour Commissioners, until Parliament shall otherwise provide, shall appoint a fit Person to fill such Vacancy, or shall make such Order or Regulation, whether for abolishing the said Office, or otherwise in relation to the said Office, as shall appear to the Lord Lieutenant advantageous to the Trade and Navigation of the Port and Town of *Galway*.

Reservation of
certain Pensions
and Allowances.

CI. And be it enacted, That all Pensions and Allowances granted on or before the Fifth Day of *June* One thousand eight hundred and thirty-five, by the Corporate Body named in the said Schedule (A.) in conjunction with any Borough, to any retired Officer or Servant, or to any Officer by permanent Infirmary rendered incapable of performing the Duties of his Office, or to the Widow or Child of any Officer or Servant, and all Stipends and Allowances which during Seven Years next before the said Fifth Day of *June* have been usually paid and granted to the Minister or late Minister of any Church or Chapel, or to the Master or Usher of any School, or to the Governor or Master of any Hospital within such Borough, and all charitable Allowances which have been usually paid as aforesaid to the Inmates of any Almshouses by such Corporate Body, shall be secured, as soon as conveniently may be after the passing of this Act, to every Person entitled or accustomed to have and receive the same, by Bond or Obligation under the Common Seal of the Borough out of whose Funds the same shall

shall be payable, in a sufficient Penalty conditioned for the Payment to such Person, his Executors and Administrators, of such Pension, Stipend, or Allowance, with all Arrears thereof, if any, accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expence of the Borough Fund: Provided always, that in case, since the Fifth Day of *June* One thousand eight hundred and thirty-five, any such Pension or Allowance has been granted in any such Borough in conformity with established Usage, the Town Council shall be at liberty, if under the Circumstances it shall appear just so to do, to ratify, confirm, and continue such Pension or Allowance, and in such Case the same shall be paid and secured in like Manner as if the same had been granted before the said last-mentioned Day.

CII. And be it enacted, That it shall be lawful for the Council of any Borough to appoint out of their own Body from Time to Time such and so many Committees, either of a general or special Nature, and consisting of such Number of Persons as they may think fit, for any Purposes which in the Discretion of such Council would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Power to
Council to
appoint Com-
mittees.

CIII. And be it enacted, That on the Day on which any Body Corporate named in conjunction with any Borough in Schedules (B.) and (I.), or either of them respectively, to this Act annexed, shall be dissolved by virtue of this Act, all the Manors, Advowsons, Messuages, Town Halls, 'public and other Buildings, Lands, Rents, Hereditaments, Leasehold Estates, Goods, Chattels, Money, Debts, Stocks, Funds, Securities, Personal Estate and Effects, and all other Property whatsoever and wheresoever, and of what Nature or Kind soever, of or to which any such Body Corporate, or any One or more of the Members of such Body Corporate in his or their Corporate Capacity, is or are or shall be seised or possessed or entitled for any Estate or Interest whatsoever (except Property held in Trust for any charitable Uses or Trusts in respect of which other Provisions are herein contained), and all the Estate, Right, Title, and Interest of such Bodies Corporate, Member or Members, shall be and the same are hereby vested in the Body so incorporated in that Borough where a Charter shall have been granted under this Act, or in the Commissioners elected under the said Act of the Ninth Year of King *George* the Fourth, or in the Commissioners acting or to be elected in such Borough respectively in pursuance of this Act, or in the Guardians of the Poor of the Union in which that Borough is situate, as the Case may require, subject to such Mortgages, Charges, Debts, and Incumbrances, Rents, Contracts, Covenants, and Conditions, as the same respectively shall then be subject or liable to.

Property of the
Corporations
dissolved by
virtue of this
Act vested in
the Commis-
sioners under
9G. 4. c. 82. &c.

CIV. Provided always, and be it enacted, That the Dissolution of any Corporate Body under this Act shall not affect the

Dissolution of
Body Corporate
not to affect
the Title to

Corporate Pro-
perty.

the Title to or Continuance of any Estate or Property of such Corporate Body, but such Estate and Property shall vest in and be held by such Commissioners or such Body to be so incorporated as aforesaid respectively, as fully and amply as the same might or would have been vested in or held by such Corporate Body if such Corporate Body had not been so dissolved.

Debts and Con-
tracts of Cor-
porations may
be enforced by
the Commis-
sioners.

CV. And be it enacted, That every Person and Body Corporate who, on the Day preceding the Day on which any Body Corporate named in conjunction with any Borough in Schedules (B.) and (I.) or either of them respectively, to this Act annexed, shall be dissolved by virtue of this Act, shall owe any Sum of Money to such Body Corporate, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Body so incorporated, or to the Commissioners acting or to be elected in such Borough in pursuance of this Act, or to such Guardians of the Poor, as the Case may from Time to Time require, or their Treasurer; and all Rents and Sums of Money which on the same Day shall be due and payable, or then accruing due and payable, to such Body Corporate, shall become and be due and payable to the said Body so incorporated, Commissioners, or Guardians of the Poor, and shall and may be collected and recovered by the like Ways and Means, and with the same Penalties in respect thereof, and in like Manner, as the Body Corporate to whom the same respectively shall be due or payable might have collected and recovered the same respectively if this Act had not been passed; and all Conveyances, Contracts, Agreements, Bonds, Covenants, and Securities made or entered into before the Day on which such Body Corporate shall be dissolved, to, with, or in favour of such Body Corporate, shall be (so far as the same or any of them would be good, valid, and effectual if this Act had not been passed, but not otherwise,) good, valid, and effectual in favour of the said Body so incorporated, Commissioners, or Guardians of the Poor, as the Case may be, and may be enforced in the same Manner, to all Intents and Purposes, as such Body Corporate might have enforced the same if this Act had not been made.

Property vested
in the Commis-
sioners, &c. to
be subject to
Claims of Cre-
ditors, &c. of
the Corpora-
tions.

CVI. And be it enacted, That every Person and Body Corporate who, on the Day preceding the Day on which any Body Corporate named in conjunction with any Borough in Schedules (B.) and (I.), or either of them respectively, to this Act annexed, shall be dissolved by virtue of this Act, shall claim to be entitled, or would thereafter if this Act had not been passed have become entitled, to any Sum of Money owing from or payable by such Body Corporate, or shall claim any Part of the Property of such Body Corporate in respect of any Mortgage, Charge, Conveyance, Contract, Agreement, Bond, Covenant, or Security which shall have been made or entered into with or in favour of him or them by such Body Corporate before the same Day, shall and may recover or enforce the same as against the Property of such Body Corporate

porate respectively by this Act vested in the said Body so incorporated, Commissioners, or Guardians of the Poor, by the same Actions, Suits, Remedies, or Proceedings against the said Body so incorporated, Commissioners, or Guardians of the Poor, and in the same Manner, as he or they respectively might have recovered or enforced the same against such Body Corporate respectively if this Act had not been made ; but the Costs of the said Body so incorporated, Commissioners or Guardians of the Poor, in any such Actions, Suits, Remedies, or other Proceedings, shall be raised and paid out of the Property of such Body Corporate respectively hereby vested in them, in preference to any Sum of Money, Costs, Damages, or Expences, Claim or Demand, in favour of any such Person or Body Corporate claiming as aforesaid: Provided always, that no Action or Suit, or Right of Action or Suit, Right of Entry, Possibility, Claim, or Demand, present or future, vested or not vested, by or against, of or for, any such Body Corporate, Commissioners, or Guardians of the Poor, nor any Proceeding to which such Body Corporate, Commissioners, or Guardians of the Poor shall be Parties or Privies, shall abate, be discontinued, or affected by any Dissolution, Transfer of Right or Estate, or other Matter or Thing happening by reason of any of the Provisions of this Act, but that in every such Action, Suit, or Proceeding an Entry or Suggestion as of Record shall be made of the Event so happening under this Act, from Time to Time, and thereupon such Action, Suit, or Proceeding shall be carried on by or against such Commissioners, Guardians of the Poor, or Body so incorporated, as fully as if no such Dissolution, Transfer of Right or Estate, Matter or Thing, had happened.

CVII. And be it enacted, That it shall be lawful for any Commissioners, Guardians of the Poor, or Body so incorporated in any Borough, to commence and prosecute any Actions, Suits, or Proceedings for collecting and recovering the Property of the Body Corporate named in the said Schedules (B.) and (I.), or either of them respectively, to this Act annexed, in conjunction with such Borough respectively, and to discontinue or compromise any such Action, Suit, or Proceeding, and to allow any Time which they may think proper for Payment of any Money due and owing to them in respect thereof, and also to pay any Debt or Sum of Money claimed to be due from any such Body Corporate, and to be payable out of such Property, upon any Evidence which they may think proper to admit, and to defend or compromise any Action, Suit, or other Proceeding which may be brought against them by virtue of this Act, and to adjust and settle any Account or Accounts depending between such Body Corporate and any Person or any other Body Corporate, and to submit to Arbitration any Difference between such Body Corporate, or the said Commissioners, Guardians of the Poor, or Body so incorporated, and any other Person, relating to the Property of such Body Corporate, and abide by and perform the Award of any Arbitrator

Commissioners, &c. empowered to bring and defend Actions, and compromise and settle Accounts.

respecting the same, and to do, perform, and execute all such Deeds and Things as they the said Commissioners, Guardians of the Poor, or Body so incorporated respectively shall think expedient for ascertaining and collecting in the most advantageous Manner the Property vested in them by virtue of this Act, and settling all Claims and Demands relating thereto: Provided always, that the Guardians of the Poor shall not commence, prosecute, or defend any such Action, Suit, or Proceeding without the Sanction of the Poor Law Commissioners.

Commissioners to keep an Account of the Property of the Corporation, which shall be called the Town Fund of the Town.

CVIII. And be it enacted, That the said Commissioners of every Borough shall cause an Account to be kept of the Property belonging to the Body Corporate named in the said Schedule (B.) to this Act annexed in conjunction with such Borough, and vested in such Commissioners by virtue of this Act, and of all Rents, Profits, Revenue, Income, and Sums of Money to be received in respect thereof or produced therefrom, and of the Application and Appropriation thereof; and the Property comprised in every such Account (which shall include the Purchase Monies of the Advowsons herein-after directed to be sold) shall be called the Town Fund of the Borough for which such Commissioners respectively shall have been chosen; and all Sums of Money received by the Treasurer of such Commissioners in respect of the Property comprised in every such Account shall, when the same shall not be directed by the said Commissioners to be immediately applied to any other Purpose, be paid into the Bank of *Ireland* in the Name of the Treasurer of such Commissioners to an Account to be called the Account of the Town Fund of the Borough of which the same shall form Part.

Commissioners, &c. to pay Debts due from Corporations.

CIX. And be it enacted, That the said Commissioners of every Borough, or the Guardians, as the Case shall be, shall with all convenient Speed pay or make due Provision for Payment out of the Town Fund of such Borough, or out of the Corporate Property or Funds vested in the Guardians under this Act, of the Outgoings, Rates, and Charges payable in respect of the Property therein comprised, and of all Charges and Incumbrances payable thereout, and of all Debts, Annuities, Pensions, Allowances, and Sums of Money payable by the Body Corporate to whom the Property comprised in such Town Fund shall have belonged.

Commissioners, &c. may insure Buildings and manage Revenues.

CX. And be it enacted, That it shall be lawful for the said Commissioners of every Borough, or, with the Consent of the Poor Law Commissioners, for the Guardians, as the Case shall be, from Time to Time to cause any Repairs to be made to any Buildings or Premises which they may think expedient, and to insure any Buildings from Loss or Damage by Fire, and pay the Expences of such Repairs and Insurances out of the said Town Fund, and also to cause to be invested in their Names, or in the Name of their Treasurer, any Monies forming Part of any such Town Fund, in any Stocks, Funds, or Securities, and alter and vary such Stocks, Funds, and Securities, as they shall think proper, and in all other

other respects manage the Property comprised in every or any such Town Fund, and invest or dispose of the same and all Revenues thereof in such Manner as they shall think most advantageous.

CXI. And be it enacted, That it shall be lawful for the said Commissioners of any Borough, or the Guardians, as the Case shall be, to appropriate and settle any Town Hall, Police Office, or other public Building in any Town forming Part of the Town Fund of such Borough respectively, for the Purposes of a Court for the holding of Quarter Sessions, or a Court of Record for Civil Actions, or a Court of Conscience, or Police Station, or other public Use for the Benefit of the Inhabitants of such Borough.

Commissioners, &c. may appropriate public Buildings to public Purposes for the Benefit of the Towns.

CXII. 'And whereas it is expedient that the Administration of any Real or Personal Estate of which any Body Corporate now stands seised or possessed, in Trust as to the whole or in part for certain charitable Trusts, be kept distinct from that of the Public Stock and Borough Fund;' be it enacted, That in every Borough in which the Body Corporate, solely, or together with any One or more of the Members of such Body Corporate in his or their Corporate Capacity, or with any Person or Persons elected from among or out of the Members or any of the Members of such Body Corporate, or any Person or Persons elected solely by such Body Corporate, or solely by any particular Number, Class, or Description of Members of such Body Corporate, now stands seised or possessed, for any Estate or Interest whatsoever, of any Hereditaments, or any Sums of Money, Chattels, Securities for Money, or any other Personal Estate whatsoever, in whole or in part, in Trust or for the Benefit of any charitable Uses or Trusts whatsoever, or is or are empowered to direct the Application of the Rents, Profits, or Produce of any Hereditaments, or any Sum or Sums of Money, Chattels, Securities for Money, or other Personal Estate whatsoever, for any charitable Purpose, all the Estate, Right, Interest, and Title, and all the Powers of such Trustee or Trustees, shall, on the Day on which this Act shall come into operation in any such Borough, be vested in the Persons who shall on the same Day have been the Mayor, Aldermen, and Common Council, or other governing Officers of such Body Corporate, alone, or together with the Person or Persons who shall have been seised or possessed of or entitled to exercise the same together with such Body Corporate, (as the Case may be,) and shall continue vested in such Persons until the First Day of *October* in the Year One thousand eight hundred and forty-one, or until Parliament shall otherwise order; and if any Vacancy shall be occasioned among such charitable Trustees for any Borough before any other Provision shall be made by Parliament, it shall be lawful for the Lord Chancellor of *Ireland* then for the Time being, upon Petition, in a summary Way to appoint a fit Person to be Trustee to supply such Vacancy; and all the

Charitable Trustees.

Estate, Right, Interest, and Title, at Law and in Equity, of and in such Trust Estates, Hereditaments, and Premises shall forthwith, without any Conveyance or Assignment thereof, pass to and be vested in the Trustee so appointed, jointly with the other Trustee or Trustees; and if Parliament shall not otherwise direct on or before the said First Day of *October*, the Lord Chancellor then shall make such Orders as he shall see fit for the Appointment of a Trustee or Trustees, and the Administration of such Trust Estate, subject to such charitable Uses or Trusts as aforesaid; and thereupon the Trustee or Trustees so appointed shall come in the Room of the Persons heretofore named or continued as Trustees, and all the Estate, Right, Interest, and Title, at Law and in Equity, of and in such Trust Estates, Hereditaments, and Premises shall forthwith, without any Conveyance or Assignment thereof, pass to and be vested in the Trustees so appointed by the Lord Chancellor: Provided always, that where any Hereditaments, or any Sums of Money, Debts, or Securities for Money, or any other Personal Estate, held upon any charitable Uses or Trusts as aforesaid, or any Part thereof, shall be exclusively applicable to or towards the Establishment, Maintenance, or Support of Religious Education or Religious Worship according to the Principles of the Protestant Church of the United Kingdom of *Great Britain and Ireland*, or for the Benefit of any Person or Persons of any other Religious Class or Denomination of Her Majesty's Subjects, no Person except a Member of the said United Church, or, as the Case may be, who shall not profess the Principles of such other Religious Class or Denomination for the promoting of whose Education or Worship or for whose Benefit any such Property as aforesaid may be applicable, shall be appointed by the Lord Chancellor to be a Trustee of such Hereditaments or Personal Estate, or any Part thereof; and if any Person who shall be appointed such Trustee shall at any Time thereafter become a Convert to or profess the Religious Principles of any Class or Denomination different from the Religious Principles of the Class or Denomination for the promoting of whose Education or Worship or for whose Benefit any such Property as aforesaid may be applicable, he shall thereupon be removed from being such Trustee by the Lord Chancellor, for whom it shall be lawful, upon Petition, in a summary Way, to appoint a fit Person to be a Trustee to supply such Vacancy; and all his Estate, Right, Title; and Interest, Power and Authority, in, to, over, and upon such Real and Personal Estate shall thereupon vest, in like Manner as if he had died, in the Trustee so appointed jointly with the other Trustee or Trustees: Provided always, that no Use or Trust for cleansing, lighting, paving, or supplying with Water any City, Town, or Borough shall be deemed a charitable Use or Trust within the Meaning of this Enactment: Provided also, that nothing herein contained shall extend or be construed to extend to the President and Assistants of the Charitable Society of *Belfast*,

or to the Hospital and Free School of King *Charles* the Second, *Dublin*, commonly called the *Blue Coat* Hospital, or to any Real or Personal Estate belonging thereto.

CXIII. ‘ And whereas by Letters Patent of King *Charles* the Second, bearing Date the Fifth Day of *December* in the Twenty-third Year of His Reign, the Lord Mayor, Sheriffs, Commons, and Citizens of the City of *Dublin*, and their Successors, are constituted a Body Politic and Corporate, by the Name of “ The Governors of the Hospital and Free School of King *Charles* the Second, *Dublin* : ” And whereas the Government, Management, and Direction of the said Hospital and Free School are now exercised by Sixty-one standing Governors (whereof Four are the Treasurer for the Time being and Three other Governors of the Schools founded by *Erasmus Smith* Esquire, appointed by the Governors of the said last-mentioned Schools, in pursuance of an Act of the Parliament of *Ireland* made in the Tenth Year of the Reign of King *George* the First) : Be it enacted, That from and immediately after this Act shall come into operation in the said City of *Dublin* the Persons who at that Time shall be the Governors of the said Hospital, and the Survivors of them, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby constituted a Body Politic and Corporate, by the aforesaid Name of “ The Governors of the Hospital and Free School of King *Charles* the Second, *Dublin*, ” in the Place and Stead of the said Lord Mayor, Sheriffs, Commons, and Citizens of the said City of *Dublin*, who shall no longer be such Body Politic and Corporate, in like Manner, to all Intents and Purposes, as if the said Sixty-one Persons, and the Survivors of them, and their Successors, had been the Persons appointed by virtue of the said Letters Patent instead of the said Lord Mayor, Sheriffs, Commons, and Citizens, and all and singular the Hereditaments, Sums of Money, Chattels, Securities for Money, and other Personal Estate of the said Body Corporate, constituted by the said Letters Patent, and all the Estate, Right, Interest, and Title, and all the Rights, Powers, Privileges, and Immunities of such Body Corporate, and all Rights of Action and Suit vested in such Body Corporate, shall be and are hereby vested in the Body Corporate hereby constituted in the Place and Stead thereof; and the Body Corporate hereby constituted shall be subject to the same Liabilities, and governed according to the same Regulations, as the Body Corporate appointed by the said Letters Patent shall be subject to and governed by : Provided always, that the Treasurer for the Time being, and Three other Governors of the Schools founded by the said *Erasmus Smith*, such as the Governors of the said Schools shall from Time to Time choose and appoint, shall and they are hereby declared to be standing Governors of the said Hospital, in like Manner as by the said Act of the Tenth Year of the Reign of King *George* the First they were made Governors of the said Hospital : Provided also, that the Governors of the said Hos-

Standing Governors of the Blue Coat Hospital, *Dublin*, at the Time of this Act coming into operation, to be constituted a Body Politic, in place of the Lord Mayor, Sheriffs, &c.

pital hereby constituted shall never consist of less than Fifty, and that when and so often as any of the Governors hereby appointed, or to be appointed as herein-after is mentioned, (other than the said Treasurer and Three other Governors of the said Schools founded by the said *Erasmus Smith*;) shall depart this Life, then it shall be lawful for the Lord Archbishop of *Armagh*, the Lord Chancellor of *Ireland*, the Lord Archbishop of *Dublin*, and the Lord Bishop of *Meath*, for the Time being, or the major Part of them, and they are hereby empowered, by Writing under their Hands and Seals to appoint One or more Person or Persons in the Place or Places and as a Successor or Successors of the deceased Governor or Governors, or any of them, so as to make up, with the surviving Governors, the Number at the least of Fifty Governors, including the said Treasurer and Three other Governors of the said Schools founded by the said *Erasmus Smith*; and every Person so appointed a Governor shall be a Governor jointly with the surviving Governors for the Time being, and shall have the same Powers and Authorities as if he had been appointed a Governor by this Act.

Four Governors
of the Blue
Coat Hospital
to be appointed
Governors of
*Erasmus
Smith's Schools*
in place of the
Lord Mayor,
Recorder, &c.

CXIV. And be it enacted, That from and immediately after this Act shall come into operation in the said City of *Dublin* so much of the said Act of Parliament passed in the Tenth Year of the Reign of King *George the First* as provides that the Lord Mayor and Recorder of the City of *Dublin*, then and for the Time being, and Two of the Aldermen of the said City, such as the Governors of the Schools founded by *Erasmus Smith* Esquire should from Time to Time select and appoint, should for ever thereafter be standing Governors of the said Schools, shall be and the same is hereby repealed; and that Four of the Governors for the Time being of the said Hospital and Free School of King *Charles the Second*, *Dublin*, such as the Governors of the said Schools founded by *Erasmus Smith* shall from Time to Time select and appoint, shall for ever thereafter be standing Governors of the said Schools founded by the said *Erasmus Smith*.

Corporation to
execute Trusts.

CXV. And be it enacted, That from and after the Time when this Act shall come into operation in any Borough the Body Corporate of such Borough shall be Trustees for executing by the Council of such Borough the Powers and Provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable Uses and Trusts, or Acts relating to profitable Trusts for Shareholders or Proprietors, with respect to which Provision is herein-after made,) and of all Trusts (other than charitable Uses and Trusts) of which the Body Corporate, or any Member or Members of the said Body Corporate in their Corporate Capacity, was or were sole Trustees before the Time of the First Election of Councillors in such Borough under this Act.

Trusts produc-
ing Money to
be executed by
Trustees ap-

CXVI. And be it enacted, That in every Case in which any Body Corporate named in any Schedule to this Act annexed, or any Person or Persons elected by any such Body Corporate,

Corporate, is or are Trustee or Trustees authorized to exercise any Powers or Provisions of any Acts of Parliament for any Purpose producing Profits which, or Part of which, is or are to be divided between Shareholders or Proprietors for their own Benefit, then the Powers and Provisions of all such Acts shall, from and after the Time when this Act shall come into operation, until Parliament shall otherwise provide, be executed by such Trustees as the Lord Chancellor of *Ireland* shall, by Order to be from Time to Time made upon Petition in a summary Way, appoint and select, regard being had in such Appointment to the Rights of the several Parties interested; and thereupon all the Estate, Right, Interest, and Title, at Law and in Equity, of the existing Trustees, shall forthwith, without any Conveyance or Assignment thereof, pass to and become vested in the Trustees so appointed; provided also, that it shall be lawful for the Corporate Body of any such Borough, by their Council or any Committee appointed by the Council, to purchase, with the Consent of the respective Shareholders, for the Benefit of the Inhabitants of such Borough, any of the said Shares not now held by the Body Corporate of such Borough, and to pay for the same out of the Borough Fund; and if at any Time it shall happen that the Body Corporate of such Borough shall become possessed of the whole of the Shares of such Concern or Undertaking, all the Powers, Rights, and Estates and Interests hereby vested in such Trustees shall revert to the Body Corporate of such Borough, to be exercised by their Council or any Committee appointed by the Council, for the Benefit of the Inhabitants of the said Borough; and thereafter no further Appointment of Trustees shall be made under the Provisions herein-before contained.

pointed by the
Lord Chancellor.

CXVII. And be it enacted, That from and after the Time when this Act shall come into operation in any Borough in which any Member of the Body Corporate, or any Person elected from among or out of the Members of such Body Corporate, or any Person elected by such Body Corporate, or a particular or limited Number, Class, or Description of Members of the Body Corporate, shall be, when this Act shall so come into operation, Trustee, solely, or jointly with any other Trustee, for the Execution of any Act of Parliament, or of any Trust other than any Act or Trust for which any other Provision is herein-before made, or by any Statute, Charter, Bye Law, or Custom, shall be, when this Act shall so come into operation, lawfully appointed to or authorized to exercise any Powers, Duties, or Functions whatsoever not otherwise herein provided for, and the Continuance of which is not inconsistent with the Provisions of this Act, such Acts, Trusts, Powers, Duties, and Functions shall, after this Act shall have come into operation, be executed by the Person who shall hereafter correspond in Office with the Person by whom the same ought to be executed before this Act shall come into operation; and in case there shall be no such Person, then the Council of the Body Corporate shall, by Writing under the Seal of the Body

As to Election
of a limited
Number of
Councillors to
be joint Trustees
for certain
Purposes.

Saving Provisions of Local Acts in Towns in Schedule (B.)

Other Corporations of which any Body Corporate named in the Schedule, or any of its Members, form Part, to be continued.

Corporate, appoint the Person who in their Judgment shall most nearly correspond with such Person, to execute such Acts, Trusts, Powers, Duties, and Functions; and every Person so appointed is hereby authorized and empowered to execute the same as fully as the Person by whom the same ought to be executed before this Act shall come into operation, until the Appointment of another Person in his Room, as herein-after provided: Provided always, that all Powers and Trusts not otherwise herein provided for, which by any Act of Parliament or otherwise are vested in or exercised by any Body Corporate named in the said Schedule (B.), which shall be dissolved by virtue of this Act, or any Member or Members thereof in his or their Corporate Capacity, or any limited Number, Class, or Description thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate or any of them, or any Person or Persons elected by such Body Corporate or any Member or Members thereof, shall, upon the Day on which such Body Corporate respectively shall be dissolved, and thenceforth until the Grant of a Charter of Incorporation as herein-before directed, and the Election of a Council thereunder, or until Parliament shall otherwise provide, be exercised in manner herein-after mentioned; (that is to say,) such of the said Powers as relate to the Appointment of Justices of the Peace or Magistrates, or to the Appointment of other Officers for the Administration of Justice, or in anywise relating thereto, or to the Appointment of Constables or other Persons for Purposes relating to Police, shall be exercised by the Lord Lieutenant as if he had been named in such Act of Parliament respectively, instead of such Body Corporate, or Member or Members, Person or Persons; and all other of the said Powers, not otherwise herein provided for, shall be exercised alone, or together with such other Persons (if any) as would have been entitled to join in exercising the same if this Act had not been passed, by the said Commissioners: Provided also, that in every Case in which any Body Corporate named in the said Schedule (B.) to this Act annexed which shall be dissolved by virtue of this Act, or any One or more of the Members of such Body Corporate in his or their Corporate Capacity, or any limited Number, Class, or Description of the Members thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate, or any Person or Persons elected by any such Body Corporate or any Member or Members thereof, is any other Body Corporate, or Part of, or is or are a Member or Members of, any other Body Corporate for any charitable or public or other Purpose, such other Body Corporate shall continue in force as if this Act had not been passed; and on the Day of the Dissolution of such Body Corporate respectively, and thenceforth until the Grant of Charter of Incorporation as herein-before directed, and the Election of a Council thereunder, or until Parliament shall otherwise provide, where any Body Corporate named in the said Schedule (B.) to this Act annexed is such other Body

Corporate

Corporate or Part thereof, then, instead of such Body Corporate, the said Commissioners, where there shall be such Commissioners, shall be Members of such Body Corporate: Provided always, that nothing herein contained shall extend to transfer to the *Galloway* Town Commissioners the Powers vested in the Commissioners of the Harbour of that Town.

CXVIII. And be it enacted, That in every Case in which any such Person as aforesaid is, in pursuance of any such Statute, Charter, Bye Law, Custom, Deed, Will, or otherwise, elected or appointed for a definite Term of Years or other shorter Term, then, on the Day or Time named in such Act, Charter, Bye Law, Deed, or Will as last aforesaid for a new Election, Nomination, or Appointment of Trustees, or on which such new Election, Nomination, or Appointment has usually been made, and if he shall have been so elected or appointed for Life or for an indefinite Period, or if there shall be no such Day named or usually observed, then upon the First Day of *January* in every Year, some other Person, or the same, if re-eligible, shall be elected as nearly as may be in the like Manner as the Person ceasing to be Trustee, or ceasing to exercise such Powers, Duties, and Functions, and in whose Room he shall be appointed; and in every Case of extraordinary Vacancy among such Trustees or Persons another Person shall be elected to supply such Vacancy, in like Manner as nearly as may be as such extraordinary Vacancy would have been supplied before this Act shall have so come into operation as aforesaid; or where such Vacancy cannot be supplied in such or the like Manner, the Council shall forthwith appoint a Person in the Room of the Person by whom such Vacancy has been made; and every Person appointed to supply an extraordinary Vacancy shall hold his Trust or Office for such Time as the Person by whom such Vacancy has been made would regularly have held it.

Election of
future Trustees.

CXIX. And be it enacted, That, notwithstanding any thing in this Act contained, every Member of any Body Corporate, or of any particular Number, Class, or Description of Members of such Body Corporate, or any Person elected from among or out of the Members of such Body Corporate or any of them, or any Person elected by any particular Number, Class, or Description of Members of such Body Corporate, who at the Time of the passing of this Act shall be for a definite Number of Years or other shorter Time a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the Time when he would have ceased to be such Trustee if this Act had not been passed, and if a Trustee for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year following that in which this Act shall come into operation in that Borough, and no longer; and every Member of the Council appointed under the Provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid shall continue to be such Trustee until the Time herein

Present Trustees of certain Acts continued for a definite Term.

Saving Provisions of Local Acts in Towns in Schedule (B.)

Other Corporations of which any Body Corporate named in the Schedule, or any of its Members, form Part, to be continued.

Corporate, appoint the Person who in their Judgment shall most nearly correspond with such Person, to execute such Acts, Trusts, Powers, Duties, and Functions; and every Person so appointed is hereby authorized and empowered to execute the same as fully as the Person by whom the same ought to be executed before this Act shall come into operation, until the Appointment of another Person in his Room, as herein-after provided: Provided always, that all Powers and Trusts not otherwise herein provided for, which by any Act of Parliament or otherwise are vested in or exercised by any Body Corporate named in the said Schedule (B.), which shall be dissolved by virtue of this Act, or any Member or Members thereof in his or their Corporate Capacity, or any limited Number, Class, or Description thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate or any of them, or any Person or Persons elected by such Body Corporate or any Member or Members thereof, shall, upon the Day on which such Body Corporate respectively shall be dissolved, and thenceforth until the Grant of a Charter of Incorporation as herein-before directed, and the Election of a Council thereunder, or until Parliament shall otherwise provide, be exercised in manner herein-after mentioned; (that is to say,) such of the said Powers as relate to the Appointment of Justices of the Peace or Magistrates, or to the Appointment of other Officers for the Administration of Justice, or in anywise relating thereto, or to the Appointment of Constables or other Persons for Purposes relating to Police, shall be exercised by the Lord Lieutenant as if he had been named in such Act of Parliament respectively, instead of such Body Corporate, or Member or Members, Person or Persons; and all other of the said Powers, not otherwise herein provided for, shall be exercised alone, or together with such other Persons (if any) as would have been entitled to join in exercising the same if this Act had not been passed, by the said Commissioners: Provided also, that in every Case in which any Body Corporate named in the said Schedule (B.) to this Act annexed which shall be dissolved by virtue of this Act, or any One or more of the Members of such Body Corporate in his or their Corporate Capacity, or any limited Number, Class, or Description of the Members thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate, or any Person or Persons elected by any such Body Corporate or any Member or Members thereof, is any other Body Corporate, or Part of, or is or are a Member or Members of, any other Body Corporate for any charitable or public or other Purpose, such other Body Corporate shall continue in force as if this Act had not been passed; and on the Day of the Dissolution of such Body Corporate respectively, and thenceforth until the Grant of Charter of Incorporation as herein-before directed, and the Election of a Council thereunder, or until Parliament shall otherwise provide, where any Body Corporate named in the said Schedule (B.) to this Act annexed is such other Body Corporate

Corporate or Part thereof, then, instead of such Body Corporate, the said Commissioners, where there shall be such Commissioners, shall be Members of such Body Corporate: Provided always, that nothing herein contained shall extend to transfer to the *Galway* Town Commissioners the Powers vested in the Commissioners of the Harbour of that Town.

CXVIII. And be it enacted, That in every Case in which any such Person as aforesaid is, in pursuance of any such Statute, Charter, Bye Law, Custom, Deed, Will, or otherwise, elected or appointed for a definite Term of Years or other shorter Term, then, on the Day or Time named in such Act, Charter, Bye Law, Deed, or Will as last aforesaid for a new Election, Nomination, or Appointment of Trustees, or on which such new Election, Nomination, or Appointment has usually been made, and if he shall have been so elected or appointed for Life or for an indefinite Period, or if there shall be no such Day named or usually observed, then upon the First Day of *January* in every Year, some other Person, or the same, if re-eligible, shall be elected as nearly as may be in the like Manner as the Person ceasing to be Trustee, or ceasing to exercise such Powers, Duties, and Functions, and in whose Room he shall be appointed; and in every Case of extraordinary Vacancy among such Trustees or Persons another Person shall be elected to supply such Vacancy, in like Manner as nearly as may be as such extraordinary Vacancy would have been supplied before this Act shall have so come into operation as aforesaid; or where such Vacancy cannot be supplied in such or the like Manner, the Council shall forthwith appoint a Person in the Room of the Person by whom such Vacancy has been made; and every Person appointed to supply an extraordinary Vacancy shall hold his Trust or Office for such Time as the Person by whom such Vacancy has been made would regularly have held it.

Election of
future Trustees.

CXIX. And be it enacted, That, notwithstanding any thing in this Act contained, every Member of any Body Corporate, or of any particular Number, Class, or Description of Members of such Body Corporate, or any Person elected from among or out of the Members of such Body Corporate or any of them, or any Person elected by any particular Number, Class, or Description of Members of such Body Corporate, who at the Time of the passing of this Act shall be for a definite Number of Years or other shorter Time a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the Time when he would have ceased to be such Trustee if this Act had not been passed, and if a Trustee for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year following that in which this Act shall come into operation in that Borough, and no longer; and every Member of the Council appointed under the Provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid shall continue to be such Trustee until the Time herein

Present Trustees of certain Acts continued for a definite Term.

herein provided for the new Appointment of a Member of the Council to be Trustee in his Room, notwithstanding that he may have ceased to be a Member of the Council; and in case any particular Officer of any of the said Bodies Corporate shall have been appointed by any Act, Charter, Bye Law, Deed, Will, or Custom as aforesaid, to perform during a definite Number of Years or other shorter Time any specific Trusts, Powers, Duties, or Functions whatsoever, the Person who at the Time of the passing of this Act shall be the Person designated and qualified to perform the same shall continue to perform the same until the Time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the last-named First Day of *January*, and no longer.

Powers vested in certain Trustees may be transferred to Councillors.

CXX. 'And whereas it may be expedient that the Powers now vested in the Trustees appointed under sundry Acts of Parliament for paving, or lighting or cleansing, or supplying with Water, or improving certain Boroughs, or certain Parts thereof, save and except as herein-after mentioned, should be transferred to and vested in the Councils or Commissioners of such Boroughs respectively; be it enacted, That the Trustees appointed by virtue of any such Act as last aforesaid, wherein the Trustees, or the Persons whose Trustees they may be, are not beneficially interested, or the greater Part of such Trustees for the Time being, may, if it shall seem to them expedient, at a Meeting to be called for that Purpose, transfer in Writing all the Powers vested in them as such Trustees by any such Act or Acts as aforesaid to the said Body Corporate of such Borough, or to the Commissioners acting under this Act for such Borough (as the Case may be); and the said Body Corporate or Commissioners of such Borough shall thenceforth be Trustees for executing by the Council of such Borough, or by the Board of Commissioners, (as the Case may be,) the several Powers and Provisions of any such Act or Acts of Parliament; and the Members of the Council, or the Commissioners, (as the Case may be,) shall have the same Powers, and be subject to the same Duties, as if their Names had been originally inserted in such Act or Acts (or as if they had been elected under the Provisions of any such Act or Acts) as such Trustees respectively: Provided always, that nothing herein contained shall extend to enable the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, or the Commissioners for making wide and convenient Streets in the City of *Dublin*, or the Corporation for improving the Port and Harbour of *Dublin*, so to transfer the Powers vested in them respectively.

Provision for additional Constabulary Force.

CXXI. 'And whereas by an Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to consolidate the Laws relating to the Constabulary Force in Ireland*, it is among other things enacted, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of

of *Ireland* to appoint from Time to Time, at his Will and Pleasure, in and for each Barony, Half of Barony, or other Division of Barony, in each County at large, One Chief Constable, Two Head Constables, and any Number of Constables and Sub-Constables not exceeding Sixteen: And whereas the Force thereby provided is less than may in some Cases be required in Baronies which comprise large Towns: And whereas it is reasonable that the Expence of the additional Force required in such Towns should be borne by such Towns, and not by the Counties at large in which they are situated; be it therefore enacted, That if any Council of any Borough named in the Schedule (A.) to this Act annexed shall think it necessary that an additional Constabulary Force should be stationed in such Borough, above the Proportion of the said Force therein stationed under the Provisions of the said last-recited Act, it shall be lawful for the Council of such Borough to present a Memorial to the Lord Lieutenant, setting forth the additional Constabulary Force which is required for the said Borough; and thereupon it shall be lawful for the Lord Lieutenant to add to the Constabulary Force of the County or Counties wherein such Borough shall be situated any such Number of Constables, Sub-Constables, and Officers of the said Force, not exceeding the Number required by the said Council in their Memorial, as he shall think fit; and the Amount of the Constabulary Force stationed in the said Borough shall be increased accordingly, and such additional Force shall form Part of the general Constabulary Force, and be subject in all respects to the same Rules and Discipline as the Residue of the said Force.

CXXII. And be it enacted, That the Expence of the said additional Force shall be advanced and defrayed in like Manner as the Expences of the Force appointed by the last-recited Act are to be advanced and defrayed; provided, however, that no Part of the Expence of such increased Force shall be borne by the County or Counties at large in which such Borough shall be situated, but the said Borough for whose Service the said Increase shall be made shall bear such Proportion of such Expences as the Counties at large under the said last-recited Act are bound to contribute towards the Expences of the Constabulary Force appointed for this Service; and such Expences shall be paid out of the Borough Fund, and shall be paid by the Treasurer of the Borough to the Person authorized to receive the Monies which the County at large in which such Borough shall be situated is liable to pay towards the Expences of the said Force; and when any such Borough shall be situated in more than One County, then the Treasurer shall pay the said Sums to such of the Persons authorized to receive such Payments from any of the said Counties as the Inspector General of the Constabulary Force shall direct: Provided always, that it shall be lawful for the Lord Lieutenant, at any Time he shall think fit, to reduce, either in the whole or part, the said additional Force; and it shall be also lawful for the Council

Payment of the additional Constabulary Force.

Council of the said Borough in which such additional Force shall have been stationed to present from Time to Time a Memorial to the Lord Lieutenant, stating that they are desirous that the said Force should be reduced in the whole or in part, and thereupon the Lord Lieutenant shall, within Twelve Calendar Months from the Presentation of the said Memorial, make the required Reduction in the said Force.

Council may order Parts of Borough not within Local Act as to lighting, to be included in such Act.

CXXIII. ' And whereas Parts of certain Boroughs are within the Provisions of One or more Local Act or Acts for regulating the lighting thereof, and certain other Parts of the same Boroughs are not within the Provision of any Local Act for regulating the lighting thereof, and for Want of such lighting great Facilities may be afforded for the Commission of Crimes and for the Escape of the Offenders: ' for Remedy thereof be it enacted, That it shall be lawful for the Council of any Borough in any Part of which there is a Local Act for the lighting thereof to make an Order that any Part of such Borough, not being within the Provisions of any Local Act for the lighting thereof, shall, from and after a certain Day to be named in such Order, be taken to be within the Provisions of such Local Act or Acts for lighting any Part of such Borough, as the Council shall specify in such Order; and after such Day the Part named in such Order shall be within the Provisions of the Act or Acts so specified, so far as relates to lighting, or to any Rates authorized to be levied for the Purpose of lighting, as fully as if such Part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, that every Part named in such Order shall be lighted in the like Manner as those Parts which before the making of such Order were within the Provisions of such Local Act; and that the Rate to be raised for the Purpose of defraying the Expences of lighting any Part so named in such Order shall not exceed the average Expence in the Pound of the lighting of the other Parts of such Borough.

Amount of Rate for lighting.

Council may assume the Powers of Commissioners under 9 G. 4. c. 82. for lighting Streets of any Borough.

CXXIV. And be it enacted, That the Council of any Borough named in the said Schedule (A.) shall have and exercise, on the First Day of *January* next after this Act shall come into operation in such Borough, the Powers given to the Commissioners under the said Act made in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, or Market Towns in Ireland, in certain Cases*, so far as relates to the lighting of such Borough, or of any such Part thereof as shall not, by virtue of the Provisions herein-before contained, be placed within the Provisions of any Local Act for lighting the same, and the Powers and Duties vested in such Commissioners (if any) in regard to lighting shall thereupon cease and determine; but the Council shall and they are hereby authorized and required to levy Rates for the Purpose of lighting such Part of the Borough, not according to the Powers contained in the said Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, but according to

to the Provisions herein-after contained for levying and raising a Borough Rate: Provided always, that the Appeal given by the said Act to any Person who may think himself aggrieved by any Rate laid for the Purpose of lighting shall not be to the Council, but in like Manner as Appeals against the Borough Rate herein-after mentioned.

CXXV. And be it enacted, That it shall be lawful for the Council of any Borough to make such Bye Laws as to them shall seem meet for the good Rule and Government of the Borough, and for Prevention and Suppression of all Nuisances as are not already punishable under any Act already in force throughout such Borough, and to appoint by such Bye Laws such Fines as they shall deem necessary for the Prevention and Suppression of such Offences; provided that no Fine so to be appointed shall exceed the Sum of Five Pounds, and that no such Bye Law shall be made unless at least Two Thirds of the whole Number of the Council shall be present: Provided also, that no such Bye Law shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the said Borough, to the Lord Lieutenant, and shall have been affixed on the outer Door of the Town Hall, or in some other public Place within such Borough; and if at any Time within the said Period of Forty Days the Lord Lieutenant, with the Advice of the Privy Council of *Ireland*, shall disallow the same Bye Law, or any Part thereof, such Bye Law, or the Part thereof disallowed, shall not come into operation: Provided also, that it shall be lawful for the Lord Lieutenant, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Laws, if disallowed, shall not come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time: Provided further, that no Bye Law to be made by the Council of the Boroughs of *Cole-raine* and *Londonderry* respectively shall be sent to the Lord Lieutenant until the same shall have been approved of by the Honourable Society of the Governor and Assistants of *London* of the New Plantation in *Ulster* within the Realm of *Ireland*.

Council to have
Power to make
Bye Laws.

CXXVI. And be it enacted, That the Town Clerk of every Borough shall, under the Directions of the Council thereof, cause all the Bye Laws and Regulations in force in such Borough from Time to Time to be printed in a uniform and convenient Form, and shall keep Copies thereof publicly affixed in the Office of such Town Clerk, and in every public Office and Court of such Borough of or belonging to or connected with the Corporation thereof, for the free and open Inspection of all Persons, without any Fee, at all reasonable Hours, and shall deliver a Copy of such Bye Laws and Regulations to any Person requiring the same, on Payment of such reasonable Price for the same as the Council shall from Time to Time direct; and if any Person shall wilfully and maliciously pull down, destroy, or deface any Copy of such Bye Laws and Regulations which shall

Bye Laws to
be printed.

shall be so affixed as aforesaid, such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Breaches of
Bye Laws.

CXXXVII. And be it enacted, That all the Provisions herein-after contained relative to Offences against this Act punishable upon summary Conviction shall be taken to apply to all Offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

All Corporate
Property and
all Fines to be
received on
account of the
Borough Fund.

CXXXVIII. And be it enacted, That after the Election of the Treasurer in any Borough the Rents, Issues, and Profits of all Hereditaments, Estates, and Tenements, and the Interest, Dividends, and annual Proceeds of all Monies, Dues, Chattels, and valuable Securities, except those vested or continued in other Trustees as aforesaid, belonging or payable to the Body Corporate or reputed or late Body Corporate of that Borough, or to any Member or Officer thereof in his Corporate Capacity, and every Fine or Penalty for any Offence against this Act (the Application of which has not been herein provided for), shall be paid to the Treasurer of or acting for that Borough under this Act; and all the Monies which he shall receive as such Treasurer shall be carried by him to the Account of a Fund to be called "The Borough Fund," or "The Town Fund," as the Case may be.

Treasurer to
pay no Money
but by Order
of Council, &c.

CXXXIX. And be it enacted, That the Treasurer of any Borough shall pay no Money on account of the Mayor, Aldermen, and Burgesses of such Borough, or on account of the Commissioners acting for such Borough, under the Provisions of this Act, save only in such Case as is provided by this Act, or upon the Order in Writing of the Council or Commissioner, signed by Three or more Members, and countersigned by the Town Clerk of such Borough, or for the Payment of the Salaries granted to any Recorder or Police Magistrate as herein-after provided, or by Order of the Court of Sessions of the Peace for the Borough, in such Case as is provided by this Act, or in such Case as a Court of Sessions of the Peace for any County may make an Order for the Payment of Money on the Treasurer of such County; and that any Burgess or Person qualified to vote at the Election of such Commissioners shall be at liberty at all seasonable Times to make a Copy of any such Order, or take an Extract therefrom.

Orders for Pay-
ment of Money
may be removed
into the Court
of Queen's
Bench in Ire-
land by Cer-
tiorari.

CXXX. 'And whereas it is expedient to give all Persons interested in the Borough Fund of any Borough a more direct and easy Remedy for any Misapplication of such Fund;' be it therefore enacted, That any Order of the Council or Commissioners of any Borough for the Payment of any Sum of Money from or out of the Borough Fund of any such Borough may be removed into the Court of Queen's Bench in Ireland by Writ of Certiorari, to be moved for according to the usual Practice of the said Court with respect to Writs of Certiorari, and that such Order may be disallowed or confirmed upon Motion and Hearing, with Costs, according to the Judgment and Discretion of the said Court.

CXXXI. And be it enacted, That the Borough Fund, subject to the Payment of any lawful Debt due from such Body Corporate to any Person which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the Council of such Borough from Time to Time shall be required or shall deem it expedient to redeem, and to the Payment from Time to Time of the Interest of so much thereof as shall remain unredeemed, and saving all Rights, Interests, Claims, or Demands of all Persons or Bodies Corporate in or upon the Real or Personal Estate of any Body Corporate, by virtue of any Proceedings, either at Law or in Equity, which have been already instituted, or which may be hereafter instituted, or by virtue of any Mortgage or otherwise, shall be applied towards the following Purposes; (that is to say,) the Payment of the Salary of the Mayor, and of the Recorder and of the Police Magistrate herein-after mentioned, when there is a Recorder or Police Magistrate, and of the respective Salaries of the Town Clerk and Treasurer, and of every other Officer whom the Council shall appoint, and also toward the Payment of the Expences incurred from Time to Time in preparing and printing Burgess Rolls and Notices, and in other Matters attending such Elections as are herein mentioned, and towards the Expences of providing and maintaining the Corporate Buildings, and towards the Payment of all other Expences which shall be necessarily incurred in carrying into effect the Provisions of this Act; and in case the Borough Fund shall be more than sufficient for the Purposes aforesaid the Surplus thereof shall be applied towards the paving, cleansing, and lighting the Streets of the Borough by or under the Direction of the Council, or in Cases where the Powers given to any Trustees appointed by any Act or Acts of Parliament for paving, cleansing, and lighting the Streets, or any of such Purposes, shall not have been transferred to the Council by or under the Direction of such Trustees, and for the public Benefit of the Inhabitants and Improvement of the Borough.

Salaries of Recorder, Town Clerk, Treasurer, and other Officers, and Election Expences, to be paid out of the Borough Fund.

CXXXII. Provided always, and be it enacted, That it shall not be lawful for the Council to be elected under the Provisions of this Act in any Borough in which the Body Corporate named in conjunction with the said Borough in the said Schedule (A.) before the Time of the passing of this Act shall have contracted any lawful Debt, lawfully chargeable on any Tolls or Dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof in his Corporate Capacity, or towards the Satisfaction whereof such Tolls or Dues, or any Part thereof, were lawfully applicable before the passing of this Act, to alter or reduce the Amount to be levied and payable of such Tolls or Dues, or to grant for any Consideration any Remission of or Exemption from such Tolls or Dues, or any Part thereof, unless with the Consent in Writing under the Hands of a Majority in Number and Amount of the Creditors to whom such Debt is due, until after such Debt, and all Arrears of Interest due thereon, shall have been fully paid and satisfied: Provided

Tolls or Dues payable before the passing of this Act not to be altered or reduced until Payment of the Debt chargeable thereon.

also,

shall be so affixed as aforesaid, such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Breaches of
Bye Laws.

CXXVII. And be it enacted, That all the Provisions herein-after contained relative to Offences against this Act punishable upon summary Conviction shall be taken to apply to all Offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

All Corporate
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account of the
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Treasurer to
pay no Money
but by Order
of Council, &c.

CXXIX. And be it enacted, That the Treasurer of any Borough shall pay no Money on account of the Mayor, Aldermen, and Burgesses of such Borough, or on account of the Commissioners acting for such Borough, under the Provisions of this Act, save only in such Case as is provided by this Act, or upon the Order in Writing of the Council or Commissioner, signed by Three or more Members, and countersigned by the Town Clerk of such Borough, or for the Payment of the Salaries granted to any Recorder or Police Magistrate as herein-after provided, or by Order of the Court of Sessions of the Peace for the Borough, in such Case as is provided by this Act, or in such Case as a Court of Sessions of the Peace for any County may make an Order for the Payment of Money on the Treasurer of such County; and that any Burgess or Person qualified to vote at the Election of such Commissioners shall be at liberty at all seasonable Times to make a Copy of any such Order, or take an Extract therefrom.

Orders for Pay-
ment of Money
may be removed
into the Court
of Queen's
Bench in Ire-
land by Cer-
tiorari.

CXXX. ' And whereas it is expedient to give all Persons ' interested in the Borough Fund of any Borough a more direct ' and easy Remedy for any Misapplication of such Fund;' be it therefore enacted, That any Order of the Council or Commissioners of any Borough for the Payment of any Sum of Money from or out of the Borough Fund of any such Borough may be removed into the Court of Queen's Bench in *Ireland* by Writ of Certiorari, to be moved for according to the usual Practice of the said Court with respect to Writs of Certiorari, and that such Order may be disallowed or confirmed upon Motion and Hearing, with Costs, according to the Judgment and Discretion of the said Court.

CXXXI. And be it enacted, That the Borough Fund, subject to the Payment of any lawful Debt due from such Body Corporate to any Person which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the Council of such Borough from Time to Time shall be required or shall deem it expedient to redeem, and to the Payment from Time to Time of the Interest of so much thereof as shall remain unredeemed, and saving all Rights, Interests, Claims, or Demands of all Persons or Bodies Corporate in or upon the Real or Personal Estate of any Body Corporate, by virtue of any Proceedings, either at Law or in Equity, which have been already instituted, or which may be hereafter instituted, or by virtue of any Mortgage or otherwise, shall be applied towards the following Purposes; (that is to say,) the Payment of the Salary of the Mayor, and of the Recorder and of the Police Magistrate herein-after mentioned, when there is a Recorder or Police Magistrate, and of the respective Salaries of the Town Clerk and Treasurer, and of every other Officer whom the Council shall appoint, and also toward the Payment of the Expences incurred from Time to Time in preparing and printing Burgess Rolls and Notices, and in other Matters attending such Elections as are herein mentioned, and towards the Expences of providing and maintaining the Corporate Buildings, and towards the Payment of all other Expences which shall be necessarily incurred in carrying into effect the Provisions of this Act; and in case the Borough Fund shall be more than sufficient for the Purposes aforesaid the Surplus thereof shall be applied towards the paving, cleansing, and lighting the Streets of the Borough by or under the Direction of the Council, or in Cases where the Powers given to any Trustees appointed by any Act or Acts of Parliament for paving, cleansing, and lighting the Streets, or any of such Purposes, shall not have been transferred to the Council by or under the Direction of such Trustees, and for the public Benefit of the Inhabitants and Improvement of the Borough.

Salaries of Recorder, Town Clerk, Treasurer, and other Officers, and Election Expences, to be paid out of the Borough Fund.

CXXXII. Provided always, and be it enacted, That it shall not be lawful for the Council to be elected under the Provisions of this Act in any Borough in which the Body Corporate named in conjunction with the said Borough in the said Schedule (A.) before the Time of the passing of this Act shall have contracted any lawful Debt, lawfully chargeable on any Tolls or Dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof in his Corporate Capacity, or towards the Satisfaction whereof such Tolls or Dues, or any Part thereof, were lawfully applicable before the passing of this Act, to alter or reduce the Amount to be levied and payable of such Tolls or Dues, or to grant for any Consideration any Remission of or Exemption from such Tolls or Dues, or any Part thereof, unless with the Consent in Writing under the Hands of a Majority in Number and Amount of the Creditors to whom such Debt is due, until after such Debt, and all Arrears of Interest due thereon, shall have been fully paid and satisfied: Provided also,

Tolls or Dues payable before the passing of this Act not to be altered or reduced until Payment of the Debt chargeable thereon.

Commissioners
may abolish
Tolls.

also, that the said Commissioners of any Borough shall be and they are hereby empowered to abolish any Tolls forming Part of the Town Fund of such Borough, after full Payment or Satisfaction of all Debts and Charges upon the said Tolls, or to which they may be liable, which it may be thought desirable to abolish, and also to purchase any Tolls which it may be thought desirable to purchase, in order that the same may be abolished, and after the Conveyance thereof to them to abolish the same; and the said Commissioners shall cause Notice to be given of the Abolition of all such Tolls as shall be abolished as aforesaid by Advertisement in the *Dublin Gazette*, and also in One or more Newspaper or Newspapers usually circulated in the Town in which such Tolls respectively shall be payable: Provided always, that nothing in this Act contained shall be construed to affect any Tolls or Dues not being Part of the Town Fund, paid before the passing of this Act to any Member or Officer of any Body Corporate in his Corporate Capacity, by Permission of the true and real Owner thereof.

Council authorized to raise Funds, if necessary, for Payment of Expenses incurred in carrying this Act into execution.

CXXXIII. And be it enacted, That in case, after Payment of all Debts due from such Body Corporate, and contracted before the passing of this Act, and after Satisfaction of all lawful Claims upon the Real and Personal Estate of such Body Corporate, the Borough Fund shall not be sufficient for the Purposes aforesaid, or in case there shall be no Borough Fund, the Council of the Borough is hereby authorized and required from Time to Time to estimate, as correctly as may be, what Amount, in addition to such Fund, or when there shall be no such Fund, will be sufficient for the Payment of the Expenses to be incurred in carrying into effect the Provisions of this Act; and in order to raise the Amount so estimated, and also for the Purpose of defraying the Expenses of putting this Act into execution which may have been incurred before the making of any Borough Rate, the said Council is hereby authorized and required from Time to Time to order a Borough Rate to be made within their Borough, and for that Purpose the Council of such Borough shall have within their Borough all the Powers and Authorities which any Commissioners in any Borough in *Ireland* have within the Limits of their Commission by virtue of the said last-recited Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, and shall observe and preserve the Provisions thereof as if the same were herein recited, or as near thereto as the Nature of the Case will admit, except that every such Rate shall be and is hereby authorized to be assessed and levied and raised from and off the Owners, Occupiers, or Tenants of all Hereditaments rateable for the Relief of the destitute Poor in *Ireland*, in an equal and uniform Manner, according to the yearly Value at which the same shall be estimated for the Purpose of a Rate for the Relief of the destitute Poor within such Borough, and whether the same shall or shall not be under the yearly Value of Five Pounds: Provided always, that such Persons only shall be liable to pay the Borough Rate in respect of Hereditaments under the Value
of

of Five Pounds who shall be rated in respect thereof to a Rate for the Relief of the destitute Poor within such Borough, and subject to the Provisions contained in the said Act for the Relief of the destitute Poor in *Ireland* with reference to Property of which the net annual Value shall not amount to Five Pounds; and all such Sums levied in pursuance of such Borough Rate shall be paid over to the Account of the Borough Fund.

CXXXIV. And be it enacted, That if any Person shall think that any Estimate or Valuation made for levying any Rate for the Purposes of this Act is erroneous, either as being an excessive Estimate of Property belonging to him, or an insufficient Estimate of Property belonging to another, it shall be lawful for such Person, at any Time after the Expiration of Twenty Days next after the making and publishing of such Rate, to appeal against such Estimate, and he shall in that Case before the Expiration of such Twenty Days deliver to the Town Clerk of such Borough a Notice signed by him, specifying for which of the said Objections to such Estimate he complains; and such Appeal shall be heard and determined, in every Borough in which there shall be a Recorder under this Act, by the Recorder of the Borough at the Sitting of his Court held next after the Expiration of such Twenty Days, and when there shall be no such Recorder it shall be heard and determined by the Assistant Barrister of the County having Jurisdiction to hear and determine Suits by Civil Bill for the District in which the Property estimated shall be situated, at the Sessions held for such District next after the Expiration of such Twenty Days; and such Recorder or Barrister shall have Power to award to or against the Person appealing such Costs, not exceeding Ten Shillings, as he shall think fit, and to issue a Decree against the Party appealing for any Costs awarded against him, which shall have the Force of a Decree in a Suit by Civil Bill, and, in case he shall award Costs to be paid to him, to make an Order on the Treasurer of such Borough to pay the Sum out of the Borough Rate, which Order the said Treasurer shall obey; and the Determination of such Recorder or Barrister shall be conclusive; provided, however, that no such Recorder or Barrister shall entertain such Appeal without Proof that such Notice as aforesaid was given; and provided also, that he shall not have Power to inquire into any Objection to such Estimate, save the one specified in such Notice; and that if such Appeal shall not be prosecuted effectually by the Person appealing, the Estimate shall be taken to be conclusive, notwithstanding such Notice.

CXXXV. And be it enacted, That nothing in this Act contained shall be construed to render liable to the Payment of any Debt contracted before this Act shall come into operation in any Borough, by any Body Corporate, any Part of the Real or Personal Estate of the said Body Corporate which before this Act shall have so come into operation was not liable thereto either at Law or in Equity, or to authorize the Levy of any Rate within any Part of any Borough for the Purpose of paying

Appeal to the Recorder or Assistant Barrister of the County.

Act not to render Corporate Property liable for Debts not chargeable thereon, nor to authorize the Levy of new Rates for Payment of Debts.

any Debt contracted before the passing of this Act, which before the passing of this Act could not lawfully be levied therein towards the Payment of the same.

Accounts of Receipts and Disbursements to be kept, audited, and published.

CXXXVI. And be it enacted, That the Treasurer of every Borough shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid on account of the Purposes of this Act, and of the several Matters for which such Sums shall have been paid; and the Books containing such Accounts shall at all reasonable Times be open to the Inspection of the Mayor or any of the Aldermen or Councillors or Commissioners of such Borough; and it shall be lawful for the Mayor, or for any Alderman or Councillor or Commissioner, at all seasonable Times, to make any Copy of or take any Extract from any such Book; and all the Accounts, with all Vouchers and Papers relating thereto, shall, in the Months of *March* and *September* in every Year, be submitted by the Treasurer of the Borough to the Auditors herein-before provided to be elected, and to such Member of the Council or Board of Commissioners as the Mayor or Chairman shall name as a Third Auditor, on the First Day of *March* in every Year, or, in case of extraordinary Vacancy, within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September*, in the Year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall have been so respectively examined and audited in the Month of *September* in every Year, each Treasurer shall make out in Writing, and shall cause to be printed, a full Abstract of his Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Rate-payers of such Borough, and Copies thereof shall be delivered to all Rate-payers of such Borough applying for the same, on Payment of One Shilling for each Copy.

Councils to transmit yearly Accounts of Income and Expenditure to Lord Lieutenant, and an Abstract thereof to be laid before Parliament, and published.

CXXXVII. And be it enacted, That the Council of every such Borough in which this Act shall be in operation, and the Commissioners or Guardians of the Poor of every Town in which any Commissioners or Guardians of the Poor shall act by virtue of the Provisions herein contained, shall, before the First Day of *February* in each Year, transmit to the Lord Lieutenant a Statement of all Monies received and expended on account of such Corporation or Commissioners or Guardians of the Poor (as the Case may be) under this Act, or in anywise relating to the Borough Fund or Town Fund of such Borough within the Year preceding, which Statement shall be prepared in such Form and Manner as the Lord Lieutenant shall direct, and such Accounts shall refer and be made up to the Audit next before the First of *January* of the Year in which such Account is hereby required to be so transmitted; and an Abstract of such Statements and Accounts, under general Heads, shall be laid before both Houses of Parliament during their

their Sitting, in the same Year in which they are hereby required to be transmitted as aforesaid; and a Copy thereof shall be deposited with the Town Clerk, or with such Person resident in such Town as such Commissioners or Guardians shall appoint to execute the Duties of Town Clerk therein, and shall be open to the Inspection of all the Inhabitants of such Borough or Town, and Copies thereof shall be delivered to all Inhabitants of such Borough or Town applying for the same, on Payment of One Shilling for each Copy.

CXXXVIII. 'And whereas by an Act passed in the Third Year of His late Majesty King George the Fourth, intituled *An Act for amending the several Acts in force for making wide and convenient Streets, Ways, and Passages in the City of Cork, and the Suburbs thereof, and for paving, cleansing, lighting, and otherwise improving the said City, and for regulating the Court of Conscience established therein*, it was enacted, that on the Day of the annual Appointment of the Auditors of the Accounts of the Mayor, Sheriffs, and Commonalty of the City of Cork in the Court of D'Oyer Hundred of the said City, Auditors should be also then chosen to examine and audit the Accounts to be kept by the said Commissioners and their Successors, and to examine into the Application and Expenditure of the Money to be received by them, and that such Accounts, when audited, together with the Report of the Auditors, should be annually laid before the said Court of D'Oyer Hundred, and a general Abstract of such Accounts should be printed, and should also be published in some One or more Newspaper or Newspapers circulated in the said City; be it therefore enacted, That the Auditors to be appointed by virtue of this Act in the Borough of Cork shall have and exercise all such Powers of examining and auditing the Accounts kept by the Commissioners and their Successors appointed or acting under the said Act as, if this Act had not been passed, might be exercised by Auditors chosen as directed by the said recited Act; and such Accounts, when audited, together with the Report of the Auditors, shall annually be laid before the Town Council of the said Borough; and a general Abstract of such Accounts shall be printed, and shall also be published in some One or more Newspapers circulated in the said Borough.

Provision for auditing Accounts of the Cork Wide Street Commissioners.
3 G. 4. c. lxxv.

CXXXIX. 'And whereas many of the said Municipal Corporations in Ireland have been and now are seised and possessed of or entitled to divers Lands, Tenements, and Hereditaments, and the same have been granted to them, and ought to be vested in them, for the public Benefit of the said Boroughs respectively; and it is expedient to make further Provision than now by Law exists for preventing or remedying the Waste and Misapplication of such Property, and of all other Property which may hereafter be so granted to or acquired by Municipal Corporations, or any Commissioners or Guardians of the Poor acting under the Provisions of this Act, for Municipal Purposes; be it enacted, That in case of Waste or Misapplication of any such Property, or of any Breach

Remedy for Misapplication of Property.

of Trust in respect thereof, or wherever the Direction, Decree, or Order of a Court of Equity shall be deemed necessary for the due Administration and Application of any such Property, it shall be lawful for Her Majesty's Attorney General for *Ireland*, or for any Two or more Burgesses of such Borough, or Persons qualified to vote at any Election of any Commissioners or Guardians acting under this Act in such Borough, to present a Petition to the Court of Chancery or to the Court of Exchequer in *Ireland*, stating such Complaint, and praying such Relief as the Nature of the Case may require; and it shall be lawful for the Lord Chancellor or the Master of the Rolls for the Time being, and for the Court of Exchequer, and they are hereby required, to hear such Petition in a summary Way, and to direct all such Persons as they shall consider necessary to answer the same, and, if necessary, to issue a Commission for the Examination of Witnesses, and on their Depositions, or upon Affidavits or such other Evidence as shall be produced upon such Hearing, to determine the same, and to give such Relief, and make such Order therein, and with respect to the Costs of such Application, and to enforce the same, by Injunction or otherwise, as to him or them shall seem just; and such Order shall be final and conclusive, unless the Party or Parties who shall think himself or themselves aggrieved thereby shall, within Two Years from the Time when such Order shall have been passed and entered by the proper Officer, have preferred an Appeal from such Decision to the House of Lords, to whom it is hereby declared and enacted that an Appeal shall lie from such Order: Provided always, that neither the Petitions, nor any Proceedings upon the same or relative thereto, nor the Copies of any such Petitions or Proceedings, shall be subject or liable to the Payment of any Stamp Duty, Charge for Chancery or other Court Fund, or other public Charge whatever, save only the actual Expence of making a Copy when any Copy shall be required from any of such Courts.

Proceedings not
liable to Stamp
Duty.

Power of Sale
and Leasing
restrained.

CXL. And be it enacted, That it shall not be lawful for any Body Corporate of any Borough named in the said Schedule (A.), or any Commissioners or Guardians of the Poor or Body so incorporated in any Borough named in the said Schedules (B.) and (L.), or either of them respectively, at any Time after the passing of this Act, to sell, mortgage, or alienate the Lands, Tenements, and Hereditaments of the said Body Corporate, or any Part thereof, except in pursuance of some Covenant or Contract or Agreement *bona fide* made or entered into on or before the Twentieth Day of *August* in the Year One thousand eight hundred and thirty-six by or on behalf of the Body Corporate of any Borough, or of some Resolution duly entered in the Corporation Books of such Body Corporate on or before the said Twentieth Day of *August*, or to demise or lease, except in pursuance of some Covenant, Contract, or Agreement *bona fide* made or entered into on or before the said Twentieth Day of *August* by or on behalf of such Body Corporate, or in pursuance of some Resolution duly entered in the Corporation

Books

Books of such Body Corporate on or before the said Twentieth Day of *August*, except in the Cases herein-after mentioned, any Lands, Tenements, or Hereditaments of such Body Corporate, or any Part thereof, or to enter into any new Contract or Agreement, except in the Cases herein-after mentioned, for demising or leasing the said Lands, Tenements, and Hereditaments, or any Part thereof, for any Term exceeding Thirty-one Years from the Time when such Lease shall be made, or if made in pursuance of a previous Agreement then from the Time when such Agreement shall have been entered into; and in every Lease which the said Council, Commissioners, or Guardians are not hereby restrained from making there shall be reserved and made payable, except in the Cases herein-after mentioned, during the whole of the Term thereby granted, such clear yearly Rent as to the Council, Commissioners, or Guardians shall appear reasonable, without taking any Fine for the same: Provided always, that in all Cases in which any Body Corporate shall on the Twentieth Day of *August* in the Year One thousand eight hundred and thirty-six have been bound or engaged by any Covenant or Agreement, express or implied, or have been enjoined by any Deed, Will, or other Document, or have been sanctioned or warranted by ancient Usage, or by Custom or Practice, to make any Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives, at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or on the dropping of any Life or Lives, at a Fine certain, or under any special or specific Terms or Conditions, and also in all Cases in which any Body Corporate shall theretofore have ordinarily made Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives, at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or upon the dropping of any Life or Lives, upon the Payment of an arbitrary Fine, it shall be lawful for the Council, Commissioners, or Guardians of such Borough to renew such Lease for such Term or Number of Years, either absolutely or determinable with any Life or Lives, or for such Life or Lives, and at such Rent, and upon the Payment of such Fine or Premium, either certain or arbitrary, and with or without any Covenant for the future Renewal thereof, as such Body Corporate could or might have done in case this Act had not been passed; provided also, that any such Demise or Lease to be made by the Guardians of the Poor, otherwise than in pursuance of such Covenant, Contract, or Agreement as aforesaid, shall be made with the Consent of the Poor Law Commissioners.

Provision in
certain Cases
of leasing.

CXLI. And be it enacted, That in every Case in which such Council, Commissioners, or Guardians shall deem it expedient to sell and alienate, or to demise and lease for a longer Term than Thirty-one Years, or upon different Terms and Conditions than those herein-before mentioned, any of the said Lands, Tenements, or Hereditaments, it shall be lawful for such Council,

Commissioners
of Treasury
may authorize
other Dispositions.

cil, Commissioners, or Guardians to represent the Circumstances of the Case to the Commissioners of Her Majesty's Treasury; and it shall be lawful for such Council, Commissioners, or Guardians, with the Approbation of the said Commissioners or any Three of them, to sell, alienate, and demise any of the Lands, Tenements, and Hereditaments of the said Body Corporate, in such Manner and on such Terms and Conditions as shall have been approved by the said Commissioners: Provided always, that Notice of the Intention of the Council, Commissioners, or Guardians to make such Application as aforesaid shall be fixed on the outer Door of the Town Hall, or in some public or conspicuous Place within the Borough, One Calendar Month at least before such Application; and a Copy of the Memorial intended to be sent to the said Commissioners shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess, or Person entitled to vote at the Election of such Commissioners, or Rate-payer of the Borough, at all reasonable Hours during the same.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

CXLII. Provided nevertheless, and be it enacted, That in any of the Instances herein-after mentioned it shall be lawful for the Council, Commissioners, or Guardians from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, either at a reserved Rent or Fine, or both, as the Council, Commissioners, or Guardians shall think fit, any of the said Lands, Tenements, or Hereditaments to any Person, Body Politic, Corporate, or Collegiate, for any Term not exceeding Seventy-five Years from the Time of making such Lease or Agreement, (that is to say,) of Tenements or Hereditaments the greater Part of the yearly Value of which shall at the Time of making the Lease or Agreement consist of any Building or Buildings, or of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, or other Appurtenances to be used therewith; and where the Lessee or intended Lessee shall covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground, or Land or Ground proper for Gardens, Yards, Curtilages, or other Appurtenances to be used with any other House or other Building erected or to be erected on any Ground belonging either to such Body Corporate or to any other Proprietor, or proper for any other Purpose calculated to afford Convenience or Accommodation to the Occupiers of any such House or Building: Provided always, that such Demise, Lease, Contract, or Agreement shall, if made or entered into by the Guardians of the Poor, be so made or entered into with the Consent of the Poor Law Commissioners.

Purchases, Sales, and Demises of Corporate Property since said 20th August

CXLIII. And be it enacted, That it shall be lawful for the Council, or any Commissioners or Guardians of the Poor, first to be elected or to act in any Borough under the Provisions of this Act, to call in question all Purchases, Sales, Leases, and Demises not made in pursuance of some such *bond fide* Covenant,

Covenant, Contract, Agreement, or Resolution made and entered into as aforesaid before the said Twentieth Day of *August*, and all Contracts for the Purchase, Sale, Lease, or Demise of any Lands, Tenements, and Hereditaments, and all Divisions and Appropriations of the Monies, Goods, and valuable Securities, or any Part of the Real or Personal Estate, of which, on or before the said Twentieth Day of *August*, the Body Corporate of which they are the Council, Commissioners, or Guardians, whether in their own Right or as Trustees for charitable or other Purposes, was seised or possessed, which shall have been made or contracted between the said Twentieth Day of *August* and the Day of the Declaration of their Election; and for that Purpose, if it shall appear to the said Council, Commissioners, or Guardians that there is Ground for believing that any such Purchase, Sale, Lease, or Demise, or such Contract, or such Division or Appropriation of the Premises, was collusively made for no Consideration, or for an inadequate Consideration, it shall be lawful for the Council, Commissioners, or Guardians of such Borough, at any Time within Twelve Calendar Months next after such First Election or acting under this Act in such Borough, upon Notice of their Intention being first given in the *Dublin Gazette*, and also affixed on the outer Door of the Town Hall, or in some public Place within the Borough, to cause the Value of the Lands, Tenements, Hereditaments, and Premises in question to be inquired of and found by a Jury of Twelve indifferent Men of the County in which, or adjoining to which, in the Case of all Counties of Cities and Towns Corporate, such Lands, Tenements, Hereditaments, or Premises do lie: Provided always, that any such Proceedings, if taken by the Guardians, shall be so taken with the Consent of the Poor Law Commissioners.

may be called
in question by
the Council;

and if appear-
ing to have
been collusively
made to be
submitted to a
Jury.

CXLIV. And be it enacted, That the Council, Commissioners, or Guardians shall be empowered to summon and call before such Jury all Persons having the Custody and Possession of any Deed or Agreement concerning the said Lands, Tenements, Hereditaments, and Premises made or entered into since the said Twentieth Day of *August*, and to cause all such Deeds and Agreements to be produced before the said Jury, and examined by them, and to examine upon Oath every Person who shall be thought necessary to be examined (which Oath the Mayor is hereby empowered to administer); and the Council, Commissioners, or Guardians shall, by ordering a View or otherwise, use all lawful Means for the Information as well of themselves as of the said Jury in the Premises; and the Jury shall find the Value of the said Lands, Tenements, Hereditaments, and Premises, and the Consideration which shall have been given, and also that which ought of Right to have been given, for the Purchase, Sale, Lease, Demise, or Appropriation thereof, according to the Terms of such Purchase, Sale, Lease, Demise, Contract, or Appropriation, and taking into account all the Circumstances under which the same shall have taken place; and if the Jury by their

Proceedings
before the Jury.

Oaths shall find that no Consideration, or a Consideration less than that which they shall have so found to be the Value which ought therefor to have been given, shall have been collusively given or contracted to be given by the Terms of any such Purchase, Sale, Lease, Demise, Contract, or Appropriation, the Party to such Purchase, Sale, Lease, Demise, Contract, or Appropriation shall have his Option either to reconvey and restore the Lands, Tenements, Hereditaments, and Premises in question, and to abandon the Contract to which he shall have been Party, upon Receipt in each Case of the Consideration, if any, which he shall have given for the same, or to give in each Case such additional Consideration, so that the whole Consideration given shall be that which ought of Right to have been given, so found by the Jury as aforesaid; and in every such Case as last aforesaid the additional Consideration given or to be given shall be endorsed on the original Deed or Conveyance, and unless he shall so do within One Calendar Month next after the Finding of the Jury, every such Purchase, Sale, Lease, Demise, Contract, and Conveyance shall be absolutely void and of none Effect as against the said Body Corporate, Commissioners, or Guardians, and their Successors; and in every Case in which any such Contract shall have been abandoned as aforesaid, or in which any such Purchase, Sale, Lease, Demise, Contract, or Conveyance shall become void and of none Effect, under the Provisions of this Act, the Party who would otherwise have had the Benefit of the same shall be remitted to his former Estate, Title, and Interest (if any) in the Premises, as if no such Contract, Purchase, Sale, Lease, or Demise had been made or entered into; and for summoning and returning such Juries, and for imposing Fines on the Sheriff, his Deputy, Bailiff, or Agent, and on the Persons summoned and returned on the said Jury, and on any Person required to give Evidence who shall in this Behalf contravene the Provisions of this Act, the Council, Commissioners, or Guardians of every such Borough shall have all the Powers which the Superior Courts of Record in *Dublin* have; and all the Costs of the said Jury, and of all Witnesses tendered by the said Council, Commissioners, or Guardians to be examined before the said Jury, shall in every Case be borne by the Council, Commissioners, or Guardians, and paid out of the Borough Fund.

Lord Lieutenant may direct special Cases not to be questioned.

CXLV. Provided nevertheless, and be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* for the Time being, if he shall think fit, by the Advice of the Privy Council, upon Petition to him or them setting forth the special Circumstances under which any Purchase, Sale, Lease, Demise, Contract, or Appropriation of any of the said Lands, Tenements, Hereditaments, and Premises shall have been made since the said Twentieth Day of *August*, to order that the same shall not be called in question under the Provisions of this Act, and in such Case as last aforesaid the same shall not be called in question or set aside or affected under the Provisions of this Act; and in every Case in which such Petition shall have been

presented it shall be lawful for the Lord Lieutenant for the Time being, if he shall think fit, to enlarge the Time within which (in case he shall not think fit to make such Order as aforesaid) the Council, Commissioners, or Guardians may have Power as aforesaid to call in question any Purchase, Sale, Lease, Demise, Contract, or Appropriation referred to in such Petition.

CXLVI. And be it enacted, That nothing herein contained shall be construed to give or shall give any Effect or Validity to any Sale, Demise, or other Disposition of or any Agreement relating to any Lands, Tenements, Hereditaments, or other Property which at any Time belonged to any Corporate Body, but that the Validity of such Agreement, Sale, Demise, or other Disposition shall be liable to be questioned in any Court of Law or Equity by the Council, Commissioners, or Guardians of the Borough, or any Burgess, Voter, Rate-payer, or Freeman or other Person, as fully as if this Act had not been passed.

This Act not to give Validity to any Disposition of Lands.

CXLVII. And be it enacted, That in every Case in which a Body Corporate, or any particular Class, Number; or Description of Members, or the governing Body of any Body Corporate, now is or are, in their Corporate Capacity, and not as charitable Trustees, according to the Meaning and Provisions of this Act, seised or possessed of any Manors, Lands, Tenements, or Hereditaments whereunto any Advowson or Right of Nomination or Presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any Advowson in gross, or hath or have any Right or Title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson, and every such Right of Nomination and Presentation, shall be sold at such Time and in such Manner as the Ecclesiastical Commissioners for *Ireland* may direct, so that the best Price may be obtained for the same; and it shall be lawful for the Council, Commissioners, or Guardians of such Body Corporate, and they are hereby authorized and required, with the Consent of the said Commissioners, or any Three or more of them, in Writing under their Hands, to convey and assure, under the Common Seal of such Body Corporate, Commissioners, or Guardians, such Advowson, or such Right of Nomination or Presentation as aforesaid, to the Purchaser or Purchasers thereof respectively, his or their Heirs, Executors, Administrators, and Assigns, or to such Uses as he or they shall direct; and the Proceeds of every such Sale shall be paid to the Treasurer of the Borough, or of the Guardians respectively, whose Receipt shall be a sufficient and effectual Discharge to the Purchaser or Purchasers to whom the same shall be given for the Amount of his or their Purchase Money; and it shall be lawful for the Council, Commissioners, or Guardians of such Borough to direct that such Purchase Money, or any Part thereof, shall be applied towards the Liquidation of any Debt contracted before the passing of this Act by the Body Corporate now seised of or entitled to the Property so sold, and if it shall not be so applied it shall be invested in Government Securities for

Sale of Advowsons, &c.

for the Use of the Body Corporate, Commissioners, or Guardians, as in case of other Property under this Act, and the annual Interest payable thereon shall be carried to the Account of the Borough Fund: Provided always, that in case of any Vacancy arising before any such Sale shall have taken place and been completed, such Vacancy shall be supplied by the Presentation or Nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated.

Certain Provisions of 1 & 2 Vict. c. 31. extended to Ireland

CXLVIII. And be it enacted, That the several Provisions contained in an Act passed in the last Session of Parliament, intituled *An Act for facilitating the Sale of Church Patronage belonging to Municipal Corporations in certain Cases*, shall, so far as the same are applicable, be extended to every Right of Nomination similarly circumstanced which shall at the Time of passing this Act be vested in any Municipal Corporation in *Ireland*, or in any Member of such Corporation in virtue of his Office as such; and every such Right of Nomination shall become a Benefice Presentative, and the Curate or Minister presented thereto shall be a Body Politic and Corporate.

Provision respecting the Warden and Vicars Choral of Galway.

CXLIX. Provided always, and be it enacted, That the Body Corporate called "The Warden and Vicars Choral of the Royal College or Collegiate Church of *Galway*" shall continue in force unless and until the same shall be dissolved by the said Ecclesiastical Commissioners in manner herein-after mentioned; and the Vicars Choral of the said College or Collegiate Church shall respectively continue to be such Vicars Choral during their respective Lives, or until they respectively shall resign or be removed from such Benefices respectively, or the said College shall be dissolved in manner herein-after mentioned; and that any Resignation made by the said present Warden and Vicars Choral, or any of them, of their respective Benefices, to the Bishop of *Tuam* for the Time being, shall be valid and effectual; and the said Ecclesiastical Commissioners shall and they are hereby authorized and empowered, if they shall think proper, by any Instrument in Writing under their Corporate Seal, with the Consent of the Lord Lieutenant and of Her Majesty's Privy Council in *Ireland* in Council assembled (Six at least consenting), and with the Consent of the Bishop of *Tuam*, to declare that the said College and Collegiate Church of *Galway* shall be dissolved upon the Death, Resignation, or Removal of the said present Warden; and that the Rectories and Vicarages which now belong to the said College or Collegiate Church of *Galway* shall thereupon be divided into such separate and distinct Benefices or Parishes as they shall think proper; and that all Rent-charges in lieu of Tithes, or Portions or Parcels of such Rent-charges, Churches, Churchyards, and Burial Places, and other the Revenues, Profits, and Emoluments now belonging to the said College or Collegiate Church of *Galway*, shall be divided among and united to the said distinct Parishes or Benefices respectively as they shall direct; and that such Persons as shall be Vicars Choral

Choral of the said College or Collegiate Church at the Time of such Dissolution shall become the Incumbents of such of the said distinct Parishes and Benefices respectively as the said Ecclesiastical Commissioners shall thereby direct; and if such Dissolution shall be made as aforesaid the said College or Collegiate Church shall be dissolved upon the Death, Resignation, or Removal of the said present Warden, and the said Vicarages and Rectories shall thereupon become distinct Benefices and Parishes accordingly, and each of the Persons who at the Time of such Dissolution shall be a Vicar Choral of the said College or Collegiate Church shall thereupon by virtue of this Act, and without any Presentation, Induction, Institution, or other Ceremony, become Rector or Vicar of the distinct Benefice or Parish of which such Vicar Choral shall be directed as aforesaid to become the Rector or Vicar; and the Advowson, Right of Presentation, and Nomination to the said Offices of Warden and Vicars Choral of the said College or Collegiate Church of *Galway*, or in case the same shall be dissolved as aforesaid the Advowson or Right of Nomination or Presentation to each of the distinct Benefices or Parishes into which the Rectories and Vicarages aforesaid shall be divided, shall be sold by the said Ecclesiastical Commissioners, and the Purchase Money shall be applied in like Manner as in the Case of any other Advowson is hereby directed to be sold, and they are hereby empowered to make a valid Grant and Conveyance thereof to any Purchaser or Purchasers accordingly; and the Purchase Money shall be paid to the Commissioners for the Time being acting under the Act of Parliament made and passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating and improving the Town of Galway in the County of the same Town*, to be by them applied in the first place in or towards the Payment of the Compensations, Pensions, Stipends, and Allowances to become payable to Officers of or other Persons connected with the Borough of *Galway* in the Cases herein-after provided for; and in the next place in or towards the Payment of Debts due from the Body Corporate of that Borough; and if any Residue shall then remain of such Purchase Money it shall be applied by the said Commissioners in aid of the Funds or Rates vested in or which shall or may become payable to the said last-mentioned Commissioners; and in case of the Dissolution of the said College or Collegiate Church all the Ecclesiastical Jurisdiction and Powers belonging thereto, or to the Warden thereof, shall be and are hereby vested in the Bishop of *Tuam* for the Time being.

6 & 7 W. 4.
c. cxvii.

CL. And be it enacted, That in each of the Counties of the Cities of *Cork*, *Dublin*, *Kilkenny*, *Limerick*, and *Waterford*, and in the Counties of the Towns of *Carrickfergus*, *Drogheda*, and *Galway*, before the Twenty-ninth Day of *September*, in the Year following the Year in which this Act shall come into operation in each of the said Cities and Towns respectively, and in every succeeding Year, a Sheriff shall be appointed by the

In the Cities herein mentioned Sheriffs to be appointed by the Lord Lieutenant.

the Lord Lieutenant in the same Manner to all Intents and Purposes as the Sheriff of any County at large in *Ireland* is now by Law nominated and appointed.

Continuance
in Office of ex-
isting Sheriffs.

CLI. And be it enacted, That every Person who at the Time when this Act shall come into operation in any of the said Cities or Towns shall hold the Office or execute the Duties of Sheriff in the said Counties of Cities and Towns respectively shall hold and execute the same until the first Appointment of a Sheriff therein under the Provisions of this Act, and no longer: Provided always, that if when this Act shall come into operation in any of the said Counties of Cities or Towns there shall be a Sheriff or Sheriffs elect, he or they shall come into Office at the same Period as if this Act had not been passed, and shall hold his or their Office until the Appointment of a Sheriff in that City or Town under this Act.

Sheriffs elect.

Sheriffs of the
City and County
of Londonderry
to be nominated
by the Lord
Lieutenant.

CLII. And be it enacted, That after the passing of this Act a Sheriff of the County named the City and County of *Londonderry* shall be nominated and appointed by the Lord Lieutenant of *Ireland*, in the same Manner to all Intents and Purposes as the Sheriff of any other County at large in *Ireland* is now nominated and appointed; and until the Sheriff first to be nominated and appointed for the said City and County of *Londonderry*, under the Provisions of this Act, shall enter upon his Office, the Persons who at present fill the Office of Sheriffs of the said City and County of *Londonderry*, or the Survivor of them, shall be and remain the Sheriffs or Sheriff of the City and County of *Londonderry*, and shall fulfil and execute the Duties of the said Office.

In certain Bo-
roughs Council
to appoint a
Coroner.

CLIII. And be it enacted, That the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is herein-after provided, shall, within Ten Days next after the Grant of the said Court shall have been signified to the Council of such Borough, appoint a fit Person, not being an Alderman or Councillor, to be Coroner of such Borough so long as he shall well behave himself in his Office of Coroner, and shall fill up every Vacancy in the Office of Coroner of the Borough, occurring by Death, Resignation, or Removal, within Ten Days next after such Vacancy, and none thereafter shall take any Inquisition which belongs to the Office of Coroner within such Borough, save only the Coroner so from Time to Time to be appointed; and in such of the said Boroughs as are not Counties of Cities or Counties of Towns, every such Coroner, for every Inquisition which he shall duly take within such Borough, shall be entitled to have the Sum of Twenty Shillings, to be paid by the Treasurer out of the Borough Fund of such Borough, by Order of the Court of Quarter Sessions for such Borough: Provided always, that no Person shall be elected as Coroner as aforesaid who shall not be seised or possessed of such an Estate in some Part of *Ireland* as would qualify him to serve as a Coroner for a County according to the Acts now in force in *Ireland* in relation

to the Office of Coroner; and every such Person shall, before he acts as such Coroner, take and subscribe all Oaths now required to be taken by a Coroner in *Ireland*, and shall be liable to be removed by the Court of Chancery in *Ireland* in the same Manner as any Coroner in *Ireland* may now be removed by that Court: Provided always, that in every such Borough as is a County of a City or County of a Town every Coroner now authorized to act therein shall be re-appointed by the Council without regard to the Estate of which he may be seised or possessed: Provided also, that every Coroner of every such Borough as is a County of a City or County of a Town shall be paid and remunerated in such Manner and out of such Funds as the Coroner or Coroners of each such County of a City or County of a Town is or are now paid or remunerated respectively, and not otherwise.

CLIV. And be it enacted, That on or before the Tenth Day of *January* in every Year after the passing of this Act every Coroner appointed in any Borough shall make and transmit to the Lord Lieutenant of *Ireland* a Return in Writing, according to such Form as the said Lord Lieutenant from Time to Time shall direct, of all the Cases in which he may have been called upon to hold an Inquest touching the Cause of Death of any Person during the Year ending on the Thirty-first Day of *December* immediately preceding, and a Copy of the Finding of the Jury on every such Inquest.

Coroners to make Returns to Lord Lieutenant.

CLV. And be it enacted, That in every Borough in and for which no separate Court of Sessions of the Peace shall be holden no Person, after the First Day of *December* next after the First Election of Councillors under this Act in that Borough, shall take any Inquisition which belongs to the Office of Coroner within such Borough, save only the Coroner for the County at large in which such Borough is situated; and in every Borough in which a Coroner shall not be elected and acting under this Act the Coroner for the County in which such Borough is situated, and in case of a County of a City or Town the Coroner of the adjoining County, or any of them, shall take any Inquisition which could be taken by a Coroner elected under this Act, and have all the Powers and Authorities of such Coroner; and such Coroners of Counties at large, and the Coroners of each County of a City and County of a Town, shall be entitled to be paid for the Inquisitions which they shall duly take as aforesaid in manner now provided for by Law, and not otherwise.

County Coroners to act in other Boroughs.

CLVI. And be it enacted, That in case of Illness or unavoidable Absence the Coroner for the Time being of any Borough, Town, or City in *Ireland* shall be empowered, and he is hereby required, by Writing under his Hand and Seal, to appoint a fit Person, being an Attorney of One of Her Majesty's Courts in *Dublin*, and not being an Alderman or Councillor of such Borough, Town, or City, to act for him as Deputy Coroner during the Illness or unavoidable Absence of such Coroner,

Coroners of Boroughs in certain Cases may appoint Deputies.

but

but no longer or otherwise: Provided always, that the Mayor or Two Justices of such Borough, Town, or City shall on each Occasion certify under their Hands and Seals the Necessity for the Appointment of such Deputy Coroner, and such Certificate shall state the Cause of Absence of the Coroner, and shall be openly read to every Inquest Jury summoned by such Deputy Coroner, and the Particulars of every Inquest holden before any Deputy Coroner shall be included in the Return to be made by the Coroner to the Lord Lieutenant as herein provided.

Commission of
Justices of
Peace to be
issued for cer-
tain Boroughs.

CLVII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to assign to so many Persons as She shall think proper Her Majesty's Commission to act as Justices of the Peace in and for each Borough named in the said Schedule (A.) to which Her Majesty may be pleased to grant a Commission of the Peace, and also in and for the Towns of *Gahway* and *Carrickfergus* respectively: Provided nevertheless, that every Person so to be assigned shall reside within the Borough for which he shall be so assigned, or within Seven Miles of such Borough or of some Part thereof, during such Time as he shall act as a Justice of the Peace in and for such Borough.

Council may
make ByeLaws,
on which the
Crown may
appoint salaried
Justices.

CLVIII. And be it enacted, That if the Council of any Borough named in the said Schedule (A.) shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye Law fixing the Amount of the Salary which he or they are to receive in that Behalf; and such Bye Laws so made by any Council as aforesaid shall be transmitted to the Lord Lieutenant of *Ireland*, and the Lord Lieutenant thereupon shall be authorized to appoint so many fit Persons as are specified in the said Bye Law (being Barristers at Law of not less than Six Years standing) to be, during Her Majesty's Pleasure, Police Magistrate or Magistrates and a Justice or Justices of the Peace for such Borough, and to direct that such Sum shall be paid quarterly out of the Borough Fund of such Borough as will be sufficient to pay such yearly Salary to each of the Justices so assigned as last aforesaid, not exceeding in the whole the Salary mentioned in the Prayer of such Petition, clear of all Fees or Deductions, as to the Lord Lieutenant shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the Salary so directed to be paid, by Four equal quarterly Payments, and in the same Proportion, up to the Time of the Death of such Justice, or his ceasing to act under such Assignment as aforesaid: Provided that in every Case of Vacancy of the Office of Police Magistrate in any Borough aforesaid no new Appointment of Police Magistrate in such Borough shall be made until the Council shall again make Application to the Lord Lieutenant in that Behalf, as in the Case of the first Appointment of a Police Magistrate in such Borough.

CLIX. And be it enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the Provisions of this Act shall be authorized and required to provide and furnish One or more fit and suitable Office or Offices, to be called "The Police Office" or Offices of the Borough, for the Purpose of transacting the Business of the Justices of the Borough, and to pay from Time to Time, out of the Borough Fund, such Sums as may be necessary for providing, upholding, and furnishing, and for the necessary Expences of such Police Office or Offices; and the Council of every such Borough shall, in case the Borough Fund shall not be sufficient, or in case there shall be no Borough Fund, have the Power of including in and paying out of the Borough Rate of such Borough such Sum as shall be required for providing, upholding, and furnishing, and for the necessary Expences of such Police Office or Offices; and no Room in any House licensed as a Victualling House or Alehouse shall be used for the Purpose of any such Police Office.

Council to provide a Police Office.

CLX. And be it enacted, That every Person assigned to keep the Peace within any Borough under the Provisions of this Act, or any of them, shall, during the Continuance of such Assignment, execute the Duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although such Person may not be a Burgess of the Borough in and for which he shall have been assigned to act as a Justice of the Peace, and although he may not have such Qualification by Estate as is required by Law in the Case of other Persons being Justices of the Peace for a County, so nevertheless that such Person be not disqualified by Law to act as a Justice of the Peace for any other Cause or upon any other Account than in respect of Estate.

Justices assigned to Boroughs need not to be qualified by Estate.

CLXI. And be it enacted, That every Summons for the Appearance of any Person, or Warrant to compel such Appearance, or Warrant for the Apprehension of any Person charged with any Offence, or Search Warrant, issued by any Justice of the Peace acting in and for any Borough in any Matter within his Jurisdiction, may be respectively served and executed within any County in which the said Borough shall be situated, or within any Distance not exceeding Seven Miles from such Borough, and within such Limits as aforesaid, shall have the same Force and Effect as if the same had been originally issued or subsequently endorsed by a Justice of the Peace having Jurisdiction in the Place where the same shall be served or executed, any Law, Statute, Charter, or Usage to the contrary notwithstanding; and every such Summons and Warrant shall and may be lawfully served or executed within such Limits as aforesaid by the Constable to whom the same shall be directed, or by any Constable or other Peace Officer of the County, Borough, Parish, or Place in which the Person named in such Summons or Warrant may be.

How far Summons and Warrants may be enforced.

CLXII. And be it enacted, That it shall be lawful for the Justices of every Borough in which a separate Commission of

Justices to appoint a Clerk, who shall not be the Town Clerk

or of the Council, nor be concerned in the Prosecution of Offenders committed by the Borough Justices.

the Peace is continued or shall be granted under this Act, at their first or any other Meeting, and they are hereby respectively required, to appoint a fit Person to be the Clerk to the Justices of such Borough, to be removeable at their Pleasure, and so as often as there shall be a Vacancy in the said Office of Clerk to the Justices by Death, Resignation, Removal, or otherwise: Provided that it shall not be lawful for the said Justices to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace of such Borough, or the Partner of such Clerk of the Peace, or any Clerk or Person in the Employ of such Clerk of the Peace: Provided also, that it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the Prosecution of any Offender committed for Trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery or General or Quarter Sessions; and any Person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the Partner or Clerk or in the Employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, one Moiety thereof to the Treasurer of such Borough, to be paid over to the Credit and Account of the Borough Fund of such Borough, and the other Moiety thereof, with full Costs of Suit, to any Person who will sue for the same in any of Her Majesty's Courts of Record in *Dublin*.

Recorder to be appointed by Her Majesty in certain Boroughs.

CLXIII. And be it enacted, That the Council of every Borough except the City of *Dublin*, which shall be desirous that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, shall be or continue to be holden in and for such Borough, shall signify the same by Petition to the Lord Lieutenant and Privy Council in *Ireland*, setting forth the Grounds of the Application, and the Salary which they are willing to pay to the Recorder in that Behalf; and it shall be lawful for Her Majesty, if She shall be pleased, thereupon to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, shall thenceforward be holden in and for such Borough; and the Lord Lieutenant may appoint for such Borough, or for any Two or more of such Boroughs conjointly, a fit Person, being a practising Barrister at Law of not less than Six Years standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such Office during his good Behaviour; and the Lord Lieutenant upon any Vacancy in any such Office, may appoint another fit Person, being a practising Barrister at Law of not less than Six Years standing, to be the Recorder in the Place of the Person so making such Vacancy; and it shall be lawful for the said Lord Lieutenant to direct that an annual Salary, not exceeding the Sum stated in the Petition of the Council, shall be paid to such Recorder by the Treasurer of such Borough

out

out of the Borough Fund, except that no Salary or Emolument (other than Fees) shall be paid to the Recorder of the said Town of *Carrickfergus*, and that Her Majesty may grant that a Court of Quarter Sessions of the Peace, and a Court of Record for the Trial of Civil Actions, or either of them, shall be or continue to be holden in and for that Town, and also in and for the said Town of *Galway*, without any Petition for that Purpose having been made to the Lord Lieutenant and Privy Council in *Ireland*: Provided always, that in every such Borough in and for which a separate Court of Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, is now holden, and of which the present Recorder or Deputy Recorder is a Barrister of Six Years standing, such Recorder or Deputy Recorder, being qualified as aforesaid, and acting in the Performance of the Duties of the said Office, shall be continued or appointed a Recorder under the Provisions of this Act, and shall be paid out of the Borough Fund the Salary now payable to the Recorder by the Corporate Body, or such increased Salary as shall have been signified and directed as aforesaid: Provided also, that the Expences of the Prosecution, Maintenance, and Punishment of Offenders committed from the Borough for Trial at the Sessions of the Peace for such Borough shall be defrayed in such Manner as such Expences are now defrayed with respect to Offenders committed for Trial at the Sessions of the Peace now having Jurisdiction within such Borough respectively, and out of such Funds as are now by Law applicable to defray the same.

CLXIV. And be it enacted, That the Recorder of the City of *Dublin*, and his Successors in that Office, shall have all such Powers and Authority as are now vested in the Sessions Court of the City of *Dublin*, or in the Recorder or Lord Mayor of the said City, either solely, or jointly with any other Member or Members of the Corporation of the Lord Mayor, Sheriffs, Commons, and Citizens of the City of *Dublin*; and if the Recorder of *Dublin* for the Time being shall vacate his said Office the Lord Lieutenant shall appoint a fit Person, being a practising Barrister at Law of not less than Six Years standing, to be Recorder in lieu of the Recorder so vacating the said Office; and the Recorder so from Time to Time appointed shall have the like Powers and Authorities as are hereby given or continued to the said Recorder of *Dublin*; and the Recorder of *Dublin* for the Time being shall be entitled to such Salary as any Recorder of *Dublin* would be entitled to if this Act had not been passed, and out of the same Funds, subject however to the Powers and Provisions of any Act or Acts now in force in relation to the Salary or Emoluments of such Recorder, and shall hold Office during good Behaviour; and every such Recorder shall hold a Court of Sessions of the Peace in and for the City of *Dublin* as herein-before, and in Schedule (C.) to this Act annexed, defined, at such Times and within such Intervals as the Court of Sessions of the Peace is or ought to be holden in the said City, or at such other and more frequent

Recorder of the
City of Dublin.

Times as the said Recorder in his Discretion may think fit, and shall sit as sole Judge in such Court.

Existing Courts
of Record in
Boroughs in
Schedule (B.)
to be continued
until deter-
mined by the
Lord Lieu-
tenant.

CLXV. ' And whereas in several of the Boroughs named in ' the said Schedule (B.) there are Courts of Record for the Trial ' of Civil Actions, and such Courts, when well regulated, have ' been found useful to the Inhabitants of the said Towns;' be it enacted, That from and after the passing of this Act all the Powers, Authorities, Usages, and Jurisdiction of any existing Court of Record in every Town named in the said Schedule (B.) to this Act annexed, in which the Body Corporate named in conjunction with the said Borough in the said Schedule shall be dissolved by virtue of this Act, whether the same shall have been established by Usage, Statute, or otherwise, shall continue in the same Manner as if this Act had not been passed, until the Lord Lieutenant shall think proper to determine the same; and at any Time it shall be lawful for the Lord Lieutenant, by an Order under his Hand, to declare that any such Court shall be discontinued at a Time to be mentioned in such Order, and to be not less than Two Calendar Months after the Date of such Order; and every such Order shall be advertised in the *Dublin Gazette*; and at the Time appointed for that Purpose in such Order such Court of Record, and all Powers, Authorities, and Jurisdictions thereof, shall wholly cease and determine, save only as to the Execution of any Decrees or Orders of the said Court theretofore lawfully made; and the present Judge and other Officers of the said Court shall, during the Continuance thereof, remain in their respective Offices, notwithstanding he, they, or any of them may have ceased to hold any Office by virtue of which he or they shall be such Judge or Officer or Officers; and upon any future Vacancy in the Office of Judge of any such Court the Lord Lieutenant shall appoint a fit Person, being a Barrister of not less than Six Years standing, to be Judge of such Court during the Continuance thereof and his good Behaviour; and upon any Vacancy in any other Office belonging to such Court the Judge of the Court shall appoint a fit Person to supply such Vacancy.

Recorder to be
a Justice of the
Peace for the
Borough.

CLXVI. And be it enacted, That the Recorder for the Time being of any Borough, as well of *Dublin* as of any other Borough, shall be a Justice of the Peace of and for such Borough, although he may not have such Qualification by Estate as is required by Law in the Case of any other Person being a Justice of the Peace for a County; and such Recorder shall have Precedence in all Places within the Borough of which he may be the Recorder next after the Mayor thereof: Provided always, that no Person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough, nor shall he be an Alderman, Councillor, or Police Magistrate of such Borough; but nothing in this Act contained shall be construed to disqualify any such Recorder from being eligible to sit in Parliament otherwise than is herein provided: Provided also, that in case of Sickness or unavoidable Absence the

the Recorder of any Borough shall be empowered, under his Hand and Seal, with the Consent of the Lord Chancellor, Keeper or Commissioners of the Great Seal in *Ireland*, for the Time being, to appoint a Deputy Recorder, being a practising Barrister of Six Years standing, to act for him at the Sessions of the Peace then next ensuing, and in such Court of Record, for any Time not exceeding Three Calendar Months, and no longer or otherwise.

CLXVII. Provided nevertheless, and be it enacted, That no Recorder or Person assigned as aforesaid to keep the Peace within any such Borough shall be capable of acting as Recorder or Justice of the Peace within such Borough until he shall have taken the Oaths provided to be taken by Justices of the Peace, except any Oath as to Qualification by Estate, and until he shall have made, before the Mayor or before any Two or more of the Aldermen or Councillors of such Borough, or if there shall not be any Mayor, Alderman, or Councillor, before any Justice of the Peace for the County in which such Borough shall be situate, or any adjoining County, (who is and are hereby authorized and required to administer the same,) a Declaration in the following Form; (that is to say,)

‘ I *A.B.* do hereby declare, That I will faithfully and impartially execute the Office of Recorder [*or Justice of the Peace*] for the Borough of _____, according to the best of my Judgment and Ability.’

CLXVIII. And be it enacted, That the Recorder of every Borough continued or appointed under this Act shall hold, once in every Quarter of a Year, or by Adjournment or otherwise, at such other and more frequent Times as the said Recorder in his Discretion may think fit, or as the Lord Lieutenant shall from Time to Time think fit to direct, a Court of Quarter Sessions of the Peace in and for such Borough, of which Court the Recorder of such Borough shall sit as the sole Judge; and such Court of Quarter Sessions of the Peace shall be a Court of Record, and shall have Cognizance of all Crimes, Offences, and Matters whatsoever cognizable by any Court of Quarter Sessions of the Peace for Counties in *Ireland*; and the said Recorder shall have Power to do all Things necessary for exercising such Jurisdiction, notwithstanding his being such sole Judge, as fully as any such last-mentioned Court: Provided nevertheless, that no Recorder by virtue of his Office shall have Power to exercise any of the Powers herein specially vested in the Council of such Borough.

CLXIX. Provided always, and be it enacted, That in every Case in which any Court of Quarter Sessions of the Peace for a County shall be holden in any Borough named in either of the said Schedules (B.) and (L.), or within Seven Miles thereof, at the Time of the Incorporation of such Borough, in pursuance of such Petition as aforesaid, no Grant of a separate Court of Quarter Sessions for such Borough shall be made, notwithstanding any Petition for such Grant, so long as such

Justices to make Declaration before acting.

Sessions of the Peace to be held for the Borough, of which the Recorder is to be the sole Judge.

In what Case no Grant to be made of a separate Court of Quarter Sessions in certain Boroughs.

Court of Quarter Sessions for the County shall continue to be so holden as aforesaid.

Mayor, in the
Absence of the
Recorder and
Deputy Re-
corder, may
open and ad-
journ the Court.

CLXX. And be it enacted, That, in the Absence of the Recorder and Deputy Recorder, the Mayor shall be authorized and required, at the proper Times appointed for the holding of such Court of Sessions of the Peace in and for such Borough, to open the said Court, and to adjourn over the holding of the same, and to respite all Recognizances conditioned for appearing at the same, until such further Day as such Mayor then and there, and so from Time to Time, shall cause to be proclaimed: Provided nevertheless, that nothing in this Act contained shall authorize or require any such Mayor to sit as a Judge of the said Court for the Trial of Offenders, or to do any other Act in the Character of a Judge of such Court, save only in opening and adjourning the said Court, and respiting the said Recognizances in manner aforesaid: Provided also, that in the Town of *Carrickfergus*, until the Grant of a Charter of Incorporation, and the Election of a Council under the Provisions of this Act, and that in the Absence of the Recorder and Deputy Recorder, the Clerk of the Peace, or other Person discharging the Duties of that Office, and the Registrar of the Court of Record, instead of the Mayor, shall and they are hereby respectively authorized to open and adjourn over the said respective Courts, and to respite Recognizances conditioned for appearing at the same.

Capital Juris-
dictions, and all
other Criminal
Jurisdictions in
Boroughs, other
than are speci-
fied in this Act,
abolished.

CLXXI. And be it enacted, That after the First Day of *January* in the Year following that in which this Act shall come into operation in any Borough, all Powers and Jurisdictions to try Treasons, Capital Felonies, and all other Criminal Jurisdictions whatsoever, granted or confirmed by any Law, Statute, Letters Patent, Grant, or Charter whatsoever to any Mayor, Bailiff, Alderman, Recorder, or other Corporate or Chartered Officer, or Corporate or Chartered Justice of the Peace whomsoever, in that Borough, except the Recorder of *Dublin*, and all Right of any Body Corporate in that Borough, or any of the Members thereof, by virtue of any Law, Statute, Letters Patent, Grant, or Charter whatsoever, to elect or nominate any Justices to keep the Peace in or for any Borough, or by any Members of any such Corporate Body to act as such Justices of the Peace in or for any Borough, other than is herein declared, shall cease: Provided nevertheless, that nothing in this Act contained shall be construed to restrain or prevent the holding of any Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any Borough for which such Court may now be holden, until the said First Day of *January*, but every such Court may be holden in like Manner and with the same Powers until the said First Day of *January* as if this Act had not been passed.

Proviso.

Offenders com-
mitted to Bo-
rough Sessions
whose Jurisdic-

CLXXII. And be it enacted, That after the last-named First Day of *January* every Person who shall then stand committed to take his Trial at any Court of Gaol Delivery,
General

General or Quarter Sessions of the Peace for any Borough, charged with any Offence which the Recorder of such Borough after the said First Day of *January* will not have the Jurisdiction to try, may be lawfully removed and committed to the Gaol or House of Correction of the County in which or adjoining to which such Borough is situated, there to remain and take his Trial at the next Court of Quarter Sessions for such County, if the Offence is cognizable by a Court of Quarter Sessions, and if not, then before the Judges of Oyer and Terminer and Gaol Delivery at their next Circuit; and all Persons bound by Recognizance to prosecute and give Evidence against such Offenders shall be bound to appear to prosecute and give their Evidence at the Court at which such Offenders shall be tried as aforesaid; and all such Recognizances, and all Depositions relating to such Charges, shall be transmitted to the proper Officer of the Court where such Offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers, and other Officers of the County in which such Offenders shall be so tried are hereby authorized and required in every such Case to receive every Prisoner so committed to their Custody, and him safely to keep until delivered by due Course of Law; and the Judges of Assize and others named in Her Majesty's Commissions of Oyer and Terminer and Gaol Delivery, or the Justices for the County, as the Case may be, in which such Offenders shall be tried, are hereby authorized and required to hear and determine all such Cases, and to order the Payment of the usual and fit Expences of the Prosecutors and Witnesses and all other Costs and Expences which in like Case may be directed to be paid by Order of the Court.

CLXXIII. And be it enacted, That after the last-named First Day of *January* the Justices assigned or hereafter to be assigned to keep the Peace in and for the County in which any Borough is situated, to which Her Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the Jurisdiction of Justices of the Peace in and for such Borough as fully as by Law they and each of them can or ought to do in and for the said County; and no Part of any Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be within the Jurisdiction of the Justices of any County from which such Borough before the passing of this Act was exempt, any Law, Statute, Letters Patent, Charter, Grant, or Custom to the contrary notwithstanding: Provided also, that it shall be lawful for every Justice of the Peace of any such Borough as last aforesaid (not being a Stipendiary or Police Magistrate) to attend from Time to Time with the Justices of the Peace in and for any such County as last aforesaid, and, with the Cess-payers associated with them, to hold Special or Presentment Sessions for the Purposes, in the Places, and at the Times appointed, according to the Provisions of the Act passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of His late Majesty King *William*

tion is taken away, to be tried in the adjoining County.

County Justices to have Jurisdiction in all Boroughs which have not a separate Court of Sessions of the Peace.

6&7W.4.c.116.

the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, or any Act for the Amendment thereof, and to do all Acts in respect of such Special or Presentment Sessions as fully as any Justices of the Peace in and for the said County by Law can or ought to do, so as that such Special or Presentment Sessions are held within such Borough, or within Seven Miles of such Borough, or some Part thereof.

Chartered Ad-
miralty Juris-
dictions abo-
lished.

CLXXIV. And be it enacted, That from and after the passing of this Act so much of all Laws, Statutes, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent heretofore granted to any Borough, or any Body Corporate in any Borough, whereby such Borough, or any Place within the Precincts or Liberties of the same, or such Body Corporate, or the Freemen or Inhabitants of the same, claims or claim to be exempted and released from the Jurisdiction and Office of the Lord High Admiral of *England*, or of the High Court of the Admiralty of *England* or *Ireland*, or whereby any such Body Corporate, or any Mayor, Bailiff, Recorder, Steward, or other Chartered or Corporate Officer of any Borough, has or claims any thing belonging to the Office of Admiral, whether or not to be exercised by virtue of any Commission to them or any of them to be directed, shall be and the same is hereby repealed.

Jurisdiction
of Court of
Record.

CLXXV. And be it enacted, That in every Borough to which Her Majesty shall have granted, or in which there shall continue to be, a separate Court of Sessions of the Peace, or a Court of Record for the Trial of Civil Actions as aforesaid, there shall be holden or continue to be holden a Court of Record for the Trial of Civil Actions; and the Recorder of such Borough shall be the sole Judge of such Court, and in all Cases where by Charter or Custom there is or ought to be holden such a Court of Record, shall have Jurisdiction to hold and continue such Court at such Times and Places, and with such Rules and Practice, and with the same Powers and Jurisdiction as belonged to the said Court at the Time of the passing of this Act; and in every Case in which such Court had not, before the passing of this Act, Authority to try, in manner herein-after provided for, such Actions as are herein-after mentioned, such Recorder shall have Authority to try, in a summary Way as herein-after provided, Actions of Assumpsit, Covenant, and Debt, whether the Debt be by Specialty or on Simple Contract, and all Actions of Trespass or Trover for taking Goods and Chattels, provided the Sum or Damages sought to be recovered shall not exceed Twenty Pounds, and either the Cause of Action shall have accrued within such Borough, or the Defendant or One of the Defendants shall be resident therein, and also all Actions of Ejectment between Landlord and Tenant wherein the annual Rent of the Premises of which Possession is sought to be recovered shall not exceed Twenty Pounds; and also to try, according to the Course of the Common Law, Actions of Assumpsit, Covenant, and Debt, whether
the

the Debt be by Specialty or on Simple Contract, and all Actions of Trespass or Trover for taking Goods and Chattels, provided the Sum or Damages sought to be recovered shall not exceed Fifty Pounds, and the Cause of Action shall have accrued within such Borough; and such Actions shall not be removed or removeable to any of Her Majesty's Superior Courts, by Writ of Certiorari or any other Process, save Writ of Error after Judgment, where the Proceeding is according to the Course of the Common Law: Provided also, that every such Judge respectively from Time to Time may make Rules for regulating the Practice and Pleading of such Court over which he presides, but so that no such Rules shall be of Force until they shall have been allowed and confirmed by the Judges of Her Majesty's Court of Queen's Bench in *Dublin*, or any Three of them: Provided also, that nothing in this Act shall abridge, alter, or affect the Jurisdiction of any Assistant Barrister, or Chairman, or the Recorder of the City of *Dublin*, in any Proceeding by Civil Bill under any Act or Acts of Parliament now in force in *Ireland*.

CLXXVI. And be it enacted, That in every Borough, being a County of a City or County of a Town, wherein the Office of Clerk of the Crown or Clerk of the Peace is now by Law in the Appointment of the Corporation of such Borough, or any Member or Officer thereof, or the Court of Quarter Sessions or Justices of such Borough, or held by any Officer of any such Corporation in right of his Office, and in every Borough, not being a County of a City or County of a Town, to which a separate Commission of the Peace shall be granted, it shall and may be lawful for the Lord Lieutenant to grant from Time to Time to any Person the Offices of Clerk of the Peace and Clerk of the Crown of such Borough, or either of them; and the Clerk of the Peace of the County of *Londonderry* and the Coroners of the said County shall, whenever after the passing of this Act such Offices respectively shall become vacant, be appointed and elected in the same Manner as the Clerk of the Peace and Coroner of any other County at large in *Ireland*: Provided always, that nothing herein contained shall prejudice or affect any Right which any Person may have to any such Office, by reason of any such Appointment heretofore legally made.

Appointment of
Clerk of the
Crown or Clerk
of the Peace.

CLXXVII. And be it enacted, That in any Borough wherein there shall be a Court of Record for the Trial of Civil Actions the Recorder shall appoint such Officers and Servants as are necessary for carrying on the Business and executing the Process of such Court; and that no Registrar or other Officer of such Court shall, by himself or his Partner, practise as an Attorney in such Court.

Appointment
of Officers of
Court of Re-
cord, &c.

CLXXVIII. And be it enacted, That no Suit commenced in any Court of Record in any Borough before the passing of this Act shall abate by reason of any Change that shall have been worked in the Constitution of such Court by the Provisions of this Act, but that the same may be heard and determined

Existing Suits
not to abate by
reason of the
Change of
Jurisdiction.

as if it had been commenced before such Judge according to the Provisions herein-before contained in that Behalf.

Who to be
Jurors.

3 & 4 W. 4. c. 91.

CLXXIX. And be it enacted, That from and after the Time when this Act shall come into operation in any Borough, including the City of *Dublin*, every Person being a Burgess of any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, (who would be qualified to serve on a Jury according to the Provisions of an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland*;) shall be qualified and liable to serve on Grand Juries at Sessions in such Borough, and also upon Juries for the Trial of all Issues joined in any Court of Sessions of the Peace and in any Court of Record for the Trial of Civil Actions triable within the Borough of which such Person shall be a Burgess; and the Clerk of the Peace of every such Borough shall give public Notice of the Time and Place of holding every such Sessions of the Peace Ten Days at least before the holding thereof, and in Boroughs being Counties of Cities or Counties of Towns the Sheriff thereof, and in other Boroughs the Clerk of the Peace thereof, shall, Seven Days at the least before the holding thereof, cause to be summoned a sufficient Number of Persons, being qualified and liable as aforesaid, to serve as Grand Jurors at such Sessions; and in Boroughs being Counties as aforesaid the Sheriff, and in other Boroughs the Clerk of the Peace and Registrar of the Court of Record respectively, shall also cause to be summoned not less than Thirty-six nor more than Sixty Persons, so liable and qualified as aforesaid, to serve as Jurors at every such Sessions, and at the holding of every such Court of Record for the Trial of Causes; and such Summons shall be made by showing to the Person to be summoned, or in case he shall be absent from the usual Place of his Abode by leaving with some Person therein inhabiting, a Note in Writing under the Hand of such Sheriff, Clerk of the Peace, or Registrar respectively, containing the Substance of such Summons; and such Sheriff or Clerk of the Peace respectively shall make out a List of the Names of such Persons so summoned as Grand Jurors; and such Sheriff, Clerk of the Peace, or Registrar respectively shall also make out a Panel of such Persons so summoned other than Grand Jurors; and such List and Panel shall respectively contain therein the Christian Names and Surnames, Places of Abode, and Descriptions of the several Persons therein named; and if any Person, having been duly summoned to attend on any Jury, shall not attend in pursuance of such Summons, or, being thrice called, shall not answer to his Name, or after his Appearance wilfully withdraw himself from the Presence of the Court, the Court shall impose such Fine upon every Person so making default (unless some reasonable Excuse shall be proved to the Satisfaction of the Court) as the Court shall think meet; and if

Fine for Non-attendance.

if any Person on whom such Fine shall be imposed shall refuse to pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for the Court then or at its next Sitting, by Order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by Distress and Sale of the Goods of the Person on whom such Fine shall have been imposed, every such Fine, and the reasonable Charges of such Distress and Sale; and every Fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the Account of the Borough Fund herein-before mentioned: Provided nevertheless, that no Person shall be summoned and compelled to serve as a Juror at such Sessions or Court of Record oftener than once in any One Year, unless every Person qualified and liable to serve shall have been summoned once during that Year.

CLXXX. And be it enacted, That after the Time when this Act shall come into operation in any Borough every Member of the Council for the Time being of the Borough, and Justice assigned to keep the Peace therein, and every Officer of Police therein, and the Treasurer and Town Clerk for the Time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively, save and except the Juries summoned for an Assize or Gaol Delivery.

Justices, &c.
exempt from
serving on
Juries, except
the Grand Jury.

CLXXXI. And be it enacted, That in all Cases of Debt or liquidated Damages in which the Plaintiff shall be desirous of proceeding in the Court of Record of any Borough by way of Attachment of Goods, the Plaintiff or One of the Plaintiffs, or some Person able to depose to the Facts of his own Knowledge, shall first make Affidavit before the Recorder or the Mayor (who is hereby empowered to take such or any other Affidavits in the said Court) of the Cause of Action, and that the same has accrued within such Borough, or else, where the Debt or Damages do not exceed Twenty Pounds, that the Defendant or One of the Defendants is resident therein, (describing such Defendant by his Name, Addition, and Residence particularly,) and that the Deponent is apprehensive that such Debt or Damages is or are in danger of being lost to the Plaintiff, unless aided by Process of the said Court to attach the Goods of the Defendant; and thereupon it shall be lawful for such Recorder or Mayor to issue an Attachment directed to the proper Officer of the Court to be appointed in that Behalf as aforesaid, requiring him, according to the Form Number 1. in Schedule (E.) to this Act annexed, to attach the Goods of the Defendant within the Borough; and thereupon such Officer is hereby authorized and required to seize such Goods, and to detain the same until the Defendant shall have given Special Bail to pay such Sums of Money as may be adjudged to the Plaintiff in that Suit, which Bail may be taken either by the Recorder or by the Mayor of such Borough: Provided always, that in any Borough in which by Usage or Charter the Goods, Monies, or Credits of the Defen-

Proceedings by
Attachments
in Court of
Record.

Process by
Foreign At-
tachment.

dant

dant may, by Process of Foreign Attachment, be attached in the Hands of a Third Person, such Process by Foreign Attachment may, until Parliament shall otherwise provide, be proceeded upon in the Court of Record of such Borough under this Act, with such Rules of Practice, and with the same Powers and Jurisdictions, as belonged to the said Court at the Time of the passing of this Act: Provided always, that no such Foreign Attachment shall be issued unless a Common Attachment against the Goods of the Defendant shall first have issued, and unless thereupon a further Affidavit shall be made as aforesaid, describing the Goods, Monies, or Credits sought to be attached in the Hands of such Third Person, and stating that the same belong to the Defendant; and such Third Person, in case he claims a Property in such Goods, shall be permitted to give Bail for the same in manner aforesaid.

Where the Proceedings shall be by Civil Bill.

CLXXXII. And be it enacted, That upon the Appearance of the Defendant upon any such Common Attachment, and upon the Appearance of the Garnishee upon any such Foreign Attachment, the Plaintiff, in all Cases where the Debt or Damages do not exceed Twenty Pounds, shall proceed by way of Civil Bill thereupon, and not according to the Course of the Common Law, by filing such Civil Bill in the said Court, and giving Notice in Writing of such Filing, together with a Copy of such Civil Bill, to the Party or his Attorney in the Proceeding.

Form of Proceeding.

CLXXXIII. And be it enacted, That in all such Cases, and in all other Cases wherein the Debt or Damages do not exceed Twenty Pounds, and the Plaintiff shall elect to proceed by serviceable Process only in such Court of Record, and in all Cases of Ejectment triable in such Court of Record, and also in all Cases in which the Recorder of any Borough has now by Law any Jurisdiction of proceeding in any Case by Way of Civil Bill, the Proceeding shall be, as nearly as Circumstances will admit, in the Forms, and according to the Course, and with such Right of Appeal to a Judge of Assize or at Nisi Prius of the County or City in which, for such Purpose, such Borough or any Part thereof shall be situate, as is by Law provided in Cases of Civil Bills determinable before any Assistant Barrister, Chairman, or Recorder, as the Case may be; and in Cases where the Plaintiff shall proceed in such Court according to the Course of the Common Law, and shall recover in Debt or Damages an Amount not exceeding Twenty Pounds, such Plaintiff shall not recover any Costs of Suit, unless the Judge before whom any such Case shall be tried shall certify upon Record under his Hand that the Case was a proper Case to be tried according to the Course of the Common Law.

Attornies in Court of Record.

CLXXXIV. And be it enacted, That any Attorney of any of the Superior Courts of Record in *Dublin* shall be admissible to practise in the Court of Record of any such Borough, without Payment of any Fee or Stamp Duty upon such his Admission, and may continue to practise therein so long as he continues an Attorney of some of the Superior Courts

Courts of Record aforesaid, and is in all other respects duly qualified to act and practise as such Attorney.

CLXXXV. 'And whereas in several of the Boroughs in *Ireland* there have been Courts for the Recovery of Small Debts in a summary Way, commonly called Courts of Conscience, and such Courts, when well regulated, have been found useful to the poorer Inhabitants of the said Boroughs, and it is expedient to make new and further Provisions for the Establishment and Regulation of such Courts in certain Cases;' be it enacted, That from and after the passing of this Act all the Powers, Authorities, and Jurisdictions of any existing Court for the Recovery of Small Debts, commonly called the Court of Conscience, in every Borough, whether the same shall have been established by Usage, Statute, or otherwise, shall continue in the same Manner as if this Act had not been passed, until the Lord Lieutenant shall think proper to determine the same; and at any Time it shall be lawful for the Lord Lieutenant, by an Order under his Hand, to declare that any such Court shall be discontinued at a Time to be mentioned in such Order, and to be not less than Two Calendar Months after the Date of such Order; and every such Order shall be advertised in the *Dublin Gazette*; and, at the Time appointed for that Purpose in such Order, such Court of Conscience, and all Powers, Authorities, and Jurisdictions thereof, shall wholly cease and determine, save only as to the Execution of any Decrees or Orders of the said Court theretofore lawfully made.

Court of Conscience.

CLXXXVI. And be it enacted, That in case the Lord Lieutenant, with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, shall at any Time think it expedient that any Court of Conscience now existing shall be continued under such Regulations as are herein contained, or that a Court of Conscience shall be established under such Regulations in any Borough where no such Court now exists, provided that there shall then be a Court of Record in such Borough, then the Lord Lieutenant shall, upon the Application of the Council or Commissioners acting under this Act for such Borough, direct that there shall be such a Court, either before the Mayor of the said Borough, or the Deputy of such Mayor duly appointed by him by Writing under his Hand, with the Consent of the Council of such Borough, signified by a Resolution of such Council duly convened for that Purpose, or before such Barrister as herein-after mentioned, a Court for the Recovery of Small Debts, to be called the Court of Conscience of such Borough, and that the Mayor of the said Borough or his Deputy for the Time being duly appointed, or such Barrister, shall be the President or Judge of such Court; and the Lord Lieutenant shall, upon the Application of the Council, (if he shall think proper,) appoint a fit Person, being a Barrister at Law of not less than Six Years standing, who shall be and be called the Judge of the Court of Conscience for such Borough,

Lord Lieutenant, with Consent of Privy Council, may appoint a Court of Conscience under the Regulations of the Act in any Borough where no one now exists.

Borough, and shall hold such Office during good Behaviour; and in the event of any Vacancy in such Office, the Lord Lieutenant shall appoint thereto another Person qualified as aforesaid; and from and after the Appointment of such President or Judge in such Borough, a Court shall be holden for the Recovery of Small Debts, to be called the Court of Conscience of such Borough; and the President or Judge of such Court shall have full Power and Authority to hear and determine, in a summary Way, Causes in all Small Debts, between Party and Party, not exceeding in Amount the Sum of Forty Shillings, where the Cause of Action shall have accrued within the said Borough, or the Defendant shall reside within the same.

Regulating the
Office of Pre-
sident of the
Court of Con-
science.

CLXXXVII. ' And whereas the Office of President of the Court of Conscience in the City of *Dublin* is now by Law vested in, and the Duties thereof are performed by, the Alderman who shall have served in the Office of Lord Mayor for the next preceding Year, and for the Term of One Year next after he shall have served in that Office;' be it enacted, That from and after the passing of this Act all the Powers, Authorities, Usages, and Jurisdictions of the Alderman who now is President of the said Court of Conscience, and of the Alderman now in Office as Lord Mayor of the City of *Dublin*, who having served in the Office of Lord Mayor in the present Year would, but for the foregoing Provisions of this Act, be the President of the said Court in the next succeeding Year, shall continue in the same Manner as if this Act had not been passed; and the said Two Aldermen, as Presidents successively of the said Court, shall and may, each during his Year of Office as such President, call to his Assistance any Person who shall have been at the Time of the passing of this Act an Alderman, Sheriff, or Sheriff's Peer of the said City, as hath been heretofore usually done and practised, and shall respectively be entitled to the Fees and Emoluments which, if this Act had not been passed, they would respectively be entitled to acquire or to enjoy in respect of the said Court of Conscience; and in all Cases in which an Appeal from any Decision or Order of the said Court of Conscience is now by Law given to the Party aggrieved by such Decision or Order, to the Chief or any Judge of any of Her Majesty's Supreme Courts of Law in *Ireland* sitting at Nisi Prius, such Party shall be entitled to such Appeal in the Manner now by Law allowed, as fully as if this Act had not been passed: Provided always, that in case of the Death, Resignation, or Removal from such Office of either of said Aldermen during his Term of Office, the Person to be appointed under this Act Judge or President of the Court of Conscience of the City of *Dublin* shall act as such Judge or President, instead of the Alderman so dying, resigning, or being removed, for and during the Residue then unexpired of the Term of Office of the Alderman so dying, resigning, or being removed, with the like Powers, Authorities,

ties, Usages, Jurisdictions, and in like Manner to all Intents and Purposes, as such Alderman, but for such Event, might have continued to act.

CLXXXVIII. And be it enacted, That all the Powers, Authorities, and Jurisdictions of the Alderman elected in the present Year to fill the said Office of Lord Mayor of the City of *Dublin*, and who would but for the foregoing Provisions be President of the said Court of Conscience in the Year succeeding his Year of Office, shall continue in the same Manner as if this Act had not been passed; and such Alderman shall for the Year which shall next follow the Expiration of One Year from the Day of his entering upon the Office of Lord Mayor be President of such Court, with the Benefit of the like Assistance from an Alderman, Sheriff, or Sheriff's Peer; and from the Decisions or Orders of such Court there shall be the same Right of Appeal as is lastly herein-before provided for.

Further regulating the Office of President of the Court of Conscience.

CLXXXIX. And be it enacted, That the said Court shall be held at such Times, and in such Place within the said Borough, as the Council or Commissioners acting for the said Borough shall direct; and the Proceedings in the said Court shall be by Summons in the Form Number 2. specified in Schedule (E.) to this Act annexed, stating the Names of the Parties, Plaintiff and Defendant, the Nature and Amount of the Debt, and the Time and Place when and where the Defendant is required to appear and answer the said Claim; and such Summons shall be served on the said Defendant personally, or, in case of Difficulty in effecting personal Service arising from the Acts or Contrivance of the said Defendant, by serving the same in such Manner as the President of the said Court shall direct, and in such Case a Copy of the Order for such Substitution of Service shall be served along with and in the same Manner as the Summons; and in all Cases the Summons shall be served in manner afore mentioned One clear Day at the least previously to the Hearing of the Cause; and in case the said Defendant shall appear, or if the Plaintiff shall prove by Affidavit (which, and all other Affidavits in the said Court, the said President is hereby empowered to take) the due Service of the said Summons, or Summons and Order as aforesaid, the President of the said Court shall proceed to hear the said Cause, and the Statement of the said Party or Parties, or their Attorney or Attornies, and all competent Witnesses and other legal Evidence produced by them or either of them, and shall determine the same: Provided always, that it shall be lawful for either Party to require the other to be examined upon Oath touching the said Claim, but that neither of the said Parties shall be admitted by his own Evidence, on Oath or otherwise, to support his own Case.

Proceedings in Courts of Conscience.

CXC. And be it enacted, That upon such Evidence as shall be adduced, and the Admissions of the said Parties, if required to be examined as aforesaid, the said President shall decide upon the Case, and shall make an Order either for the Payment of the Sum claimed by the Plaintiff or any Part thereof, together

Order of Court of Conscience.

together with his Costs of Suit, according to a Table of Costs to be settled for the said Courts in manner herein-after provided, or for dismissing the said Summons, and in such Case to order the Plaintiff to pay to the Defendant his reasonable Costs according to the said Table, or may adjourn the Cause to some other Day, as Justice may require; and every such Order shall specify a Time within which such Payment of Debt and Costs, or of Costs, as the Case may be, shall be made, either by Instalments or otherwise; and every Order dismissing such Summons shall be expressed therein to be either "on the Merits" or "without Prejudice to any other Proceeding for the said Demand;" and in case the Party against whom such Order for the Payment of the said Debt and Costs, or of such Costs, shall be made, shall not pay the Amount thereof pursuant to the Terms of the said Order, it shall be lawful for the President of the said Court, upon Affidavit made of the Service of a Copy of such Order on such Party personally, or at his Dwelling House, Office, or Shop, or last known Place of Residence within the said Borough, and of the Nonpayment of any Sum of Money mentioned in such Order pursuant to the Terms thereof, to issue his Warrant under his Hand to levy the Amount thereof by Distress and Sale of the Goods of the said Party.

Rehearings and
Appeals upon
Cases in Courts
of Conscience.

CXCI. And be it enacted, That no Rehearing of any Cause shall be had in the said Court, except only in Cases where the same shall have been dismissed "without Prejudice to any other Proceeding," as aforesaid; and that if any Party shall think himself aggrieved by any such Order of the said Court, either for Payment of the said Debt and Costs, or for dismissing his Cause on the Merits as aforesaid, it shall be lawful for such Party to appeal therefrom to the Recorder of the said Borough; provided, that in case of such Appeal the Party so appealing shall give Notice of such Appeal to the President of the said Court, and also to the opposite Party in the said Cause; and the said Appeals may be forthwith proceeded upon before such Recorder at the Court of the said Recorder, if then holden, or at the next or any subsequent Court of such Recorder to be held within Six Calendar Months from the Time of the Service of such Order upon the Party so appealing; and such Recorder shall have full Power and Authority to proceed to hear such Cause, and to rescind and vary or reverse or affirm the said Order, either for the Payment of the said Debt and Costs, together with reasonable Costs of such Appeal, pursuant to the said Table of Costs, or for the Payment of such Costs only as aforesaid, as Justice shall require, and in case of Nonpayment of the Sum or Sums of Money mentioned in such Order, on like Affidavit of the due Service thereof in manner aforesaid, to issue his Warrant under his Hand to levy the Amount thereof by Distress and Sale of the Goods of the said Party in the same Manner as the said President of the said Court of Conscience is hereby authorized: Provided always, that such Notice of Appeal shall not operate

to

to stay Execution of any Order or Warrant of the said President of the said Court of Conscience, unless the Party appealing therefrom shall enter into a Bond to the Mayor of the said Borough, by himself and Two sufficient Sureties jointly and severally bound in double the Amount of the Sums mentioned in such Order, that such Party so appealing shall prosecute such Appeal with Effect, and in case such Order shall be affirmed, in the whole or in part, on such Appeal, to pay the Sum mentioned in such Order of Affirmation, either for Debt and Costs, or for Costs: Provided always, that such Bond shall not be liable to any Stamp Duty.

CXCII. And be it enacted, That the President of the said Court of Conscience, or the Town Clerk under his Order, shall make or cause to be made fair and regular Entries in Books to be provided by the Town Clerk, under the Direction of the Council, for that Purpose, of all Judgments, Orders, Directions, Regulations, Acts, and Proceedings of the said President in or relating to the Execution of the several Powers and Authorities vested in him as Judge in such Court as aforesaid, and shall sign the same; and such Entries, when so signed, shall be allowed in Evidence in Proof of the Proceedings of such Court in all Courts whatsoever; and if any Person within the Jurisdiction of the said Court, after having been duly served with a Summons to be issued by the Clerk thereof, and paid or tendered his reasonable Expences to attend and give Evidence at a Time and Place in such Summons mentioned, on behalf of any Plaintiff or Defendant, shall refuse or neglect to appear pursuant to such Summons, due Proof being made of the Service of such Summons, and no sufficient Cause for his Non-appearance being shown to the Satisfaction of the Court upon Affidavit, or if the Person so served with such Summons shall appear and refuse to give Evidence touching the Matter in question, then and in every such Case it shall be lawful for such President, if satisfied upon Affidavit that such Person not appearing was duly served with such Summons, and was a material Witness for the Party on whose Behalf he was so summoned, or that such Person appearing and refusing to give Evidence as aforesaid was a competent and material Witness for the Party on whose Behalf he was called, to impose any Fine not exceeding Fifty Shillings on every such Person; and in case such Fine shall not be paid forthwith, such Fine may be levied by Distress and Sale of the Goods of the Offender, by Warrant under the Hand of such President, rendering the Overplus (if any), after deducting such Fine, and the Costs and Charges of such Distress, to the Owner of the Goods; and such Fine, when levied, shall be paid over to the Party on whose Behalf such Person shall have been summoned or called upon to give Evidence; and in case any Person shall be guilty of a Contempt of the said Court, it shall be lawful for such President to direct that such Offender be taken into Custody, and any Officer of the Court, with or without the Assistance of any other Person, may take such
Offender

Books of Proceedings to be provided and kept.

Offender into Custody accordingly; and the said President shall then examine into such Contempt, and then, upon his own View, or upon Oath of One or more other Persons, impose a Fine not exceeding Fifty Shillings for each Offence on each Offender; and if such Fine shall not be forthwith paid such President may commit the Offender to any lawful Prison within such Borough for any Time not exceeding Twenty Days, or such Fine may be levied by Distress and Sale of the Goods of the Offender in manner aforesaid, and paid to the Treasurer of such Borough to the Credit of the Borough Fund, and such Offender may be detained in Custody until the rising of the Court on the Day of his Offence, and for One Hour after.

Appointment
of Officers of
Courts of Con-
science.

CXCIII. And be it enacted, That it shall be lawful for the Judge of the Court of Conscience of any Borough named in the said Schedules to appoint and remove at his Pleasure a Clerk and other necessary Officers of such Court.

Fees payable to
the Clerk of
the Peace, and
the Registrar
and Officers of
the Court of
Record.

CXCIV. And be it enacted, That the Council of every Borough shall and they are hereby required, within Six Calendar Months next after their Election, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Session of the Peace shall be holden, and in those Boroughs in which there shall be a Court of Record and a Court of Conscience, a Table of the Fees to be taken by the Registrar and Officers of such Courts; and such Tables of Fees shall be submitted to the Chief Justice and other Justices of Her Majesty's Court of Queen's Bench in *Ireland*; and when such Tables of Fees shall be confirmed and allowed by such Chief Justice or other Justices, or any Three of them, either as such Table shall have been submitted to them, or with such Alterations, Additions, or Abatements as they shall think proper, the Fees therein mentioned may thenceforth be lawfully taken by the Person therein named to be entitled thereunto; and it shall be lawful for the Council of such Borough, from Time to Time as Occasion may require, to make new Tables of Fees to be taken instead of the Fees contained in the Tables which shall have been made as aforesaid, which new Tables shall be confirmed and allowed in the Manner herein-before mentioned, otherwise the same shall be of no Validity; and that, until Tables of the Fees so to be taken in any such Borough shall have been made and confirmed as aforesaid, it shall be lawful for such Clerk of the Peace at the Sessions for any such Borough to take the Fees authorized by the Table for the Time being to be taken by the Clerk of the Peace at the Sessions for the County within or adjoining to which such Borough is situated, and for the Registrar and Officers of such Court of Record or Court of Conscience to take the Fees usually taken by them before the passing of this Act.

Clerks to Jus-
tices to be en-
titled to Fees
chargeable

CXCV. And be it enacted, That in those Boroughs to which a Commission of the Peace shall have been granted, the Clerk to the Justices shall be entitled to such Fees (and no other)

as are chargeable by and under an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of His Majesty King George the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland*, subject to such Orders of the Justices as in that Act provided.

under Act
7 & 8 G. 4. c. 67.

CXCVI. And be it enacted, That the Town Clerk of every Borough shall cause a true Copy of the Tables of Fees in force for the Time being to be hung up in a conspicuous Part of the Room in which the Business of his Office is transacted, and also in the Room wherein the Justices of the Peace of such Borough shall sit for transacting their Business, and also in the Room wherein the Court of Sessions of the Peace for the Borough shall be held, and also in the Court of Record and Court of Conscience of the said Borough respectively.

Table of Fees
to be hung up.

CXCVII. And be it enacted, That when by any Act any Penalties or Forfeitures are or shall hereafter be made recoverable in a summary Manner before any Justice or Justices of the Peace, and by such Act respectively the same are or shall be limited and made payable to Her Majesty, or to any Body Corporate, or to any Person whomsoever, save and except the Informer who shall sue for the same, or any Party aggrieved, in every such Case the same, if recovered and adjudged before any Justice of any Borough in which a separate Court of Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the Treasurer of such Borough for the Time being, to the Credit and on account of the Borough Fund of such Borough, or where there shall be no Borough Fund, be paid to or for the Use of the Parish or Union where such Offence shall have been committed, to be applied in aid of the Poor Rate of such Parish or Union; and no such Penalty or Forfeiture, or Share of such Penalty or Forfeiture, shall in any Case be recovered by or adjudged to be paid to any other Person than the said Treasurer, unless such Person be the Informer or the Party aggrieved: Provided always, that nothing herein contained shall extend to any Penalties or Forfeitures recovered under any Act relating to the Customs, or to Trade or Navigation, and sued for by the Direction of the Commissioners of Her Majesty's Customs, which shall be paid to such Person as the said Commissioners shall direct to receive the same.

Application of
Penalties.

CXCVIII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That the Prosecution for every such Offence shall be commenced within Twelve Calendar Months after the committing of the Offence, and not otherwise; and that where any Person shall be charged, on the Oath of a credible Witness, with any such Offence, before a Justice of the Peace, the Justice may summon the Party charged to appear before any Two Justices of the Peace acting in and for the Borough in which such Offence shall have been committed, at a Time

Limitation of
Time for Pro-
secution of Of-
fences punish-
able on sum-
mary Conviction
under this Act;
and Summons
of Offenders.

and Place to be named in such Summons; and if such Party shall not appear accordingly, the Justices of the Peace then and there present (upon Proof of the due Service of the Summons, by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) may either proceed to hear and determine the Case in the Absence of the Party, or may issue their Warrant for apprehending and bringing such Party before them, as they shall think proper.

Power to summon Witnesses.

CXCIX. And be it enacted, That it shall be lawful for any Justice of the Peace acting in and for any Borough to issue his Summons requiring any Person to appear before any such Justices of the Peace for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his Absence shall be proved before the Justices of the Peace then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justices shall seem meet; and no Person, although liable to the Rate contributing to the Borough Fund of any Borough, shall be deemed an incompetent Witness in proof of any Offence against this Act by reason of any Penalty or Forfeiture for such Offence being applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the Rate contributing to the Borough Fund of any Borough.

Penalty for Disobedience of Summons, &c.

No Witness or Justice to be incompetent on the Ground of Rateability.

Payment of Penalties, and Mode of levying the same.

CC. And be it enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as the said Justices shall think fit; and in case such Sum of Money shall not be paid at the Time so appointed, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, with the reasonable Charges of such Distress; and it shall be lawful for such Justices to order the Offender to be detained in safe Custody until Return can conveniently be made to the Warrant of Distress, unless the said Offender shall give sufficient Security, to the Satisfaction of such Justices, for his or her Appearance before them on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Eight Days from the Day of taking the Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; and if upon the Return of such Warrant it shall appear that no sufficient

Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Sum of Money and Costs may be levied were a Warrant of Distress issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justices, and they are hereby authorized and required, to cause such Offender to be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any Term not exceeding One Calendar Month where the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months in any other Case, the Imprisonment to cease, in each of the Cases aforesaid, upon Payment of the Sum due.

CCI. And be it enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Words to the like Effect, as the Case may require; (that is to say,) Form of Conviction.

‘ } BE it remembered, That on the Day
‘ to wit. } of in the Year of our Lord
‘ in the Borough of in the County of A.O.
‘ is convicted before us, J.P. and J.J.P., Two of Her Majesty’s
‘ Justices of the Peace for the said County [or Borough, or
‘ otherwise as the Case may be], for that the said A.O. did [here
‘ specify the Offence, and the Time and Place when and where the
‘ same was committed, as the Case may be]; and we do adjudge
‘ that the said A.O. shall for the said Offence forfeit the Sum
‘ of and shall pay the same immediately [or shall
‘ pay the same on or before the Day of]
‘ to the Treasurer for the said Borough, to be by
‘ him applied according to the Directions of the Statute in that
‘ Case made and provided. Given under our Hands the Day
‘ and Year first above mentioned.’

CCII. And be it enacted, That any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act may appeal to the next Court of General or Quarter Sessions of the Peace to be holden, not less than Twelve Days after such Conviction, for the County or Division of the County, or for the Borough wherein the Cause of Complaint shall have arisen, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or within such Three Days enter into a Recognizance, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance entered into,

Appeal against
Convictions
under this Act.

the Justice before whom the same shall be entered into shall liberate such Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Convictions not
to be quashed
for Want of
Form.

CCIII. And be it enacted, That no Conviction, Order, Warrant, or other Matter made or purporting to be made by virtue of this Act shall be quashed for Want of Form, and no Warrant of Commitment shall be held void by reason of any Defect therein, provided that it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same; and where any Distress shall be made for levying any Money by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage, if any, in an Action upon the Case.

Limitation of
Actions, &c.

CCIV. And, for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be commenced within Twelve Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action, by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Non-suit, or discontinue any such Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases.

Notice of
Action.

General Issue.

Tender of
Amends, &c.

Saving the
Rights of the
Governor and
Assistants of
London of the
New Plantation

CCV. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by, or Duties or Liabilities imposed upon, the Society of the Governor and Assistants of *London* of the new Plantation

Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto, or any Rights, Privileges, Powers, or Authorities vested in or enjoyed by, or any Liabilities imposed on any Lord of any Manor, or any Person or Persons other than the Member or Members of a Body Corporate in his or their Corporate Capacity, or a Person or Persons elected or appointed by any such Body Corporate, or some Member or Members thereof.

in *Ulster*, and
of Lords of
Manors.

CCVI. 'And whereas an Act was passed in the last Session of Parliament, intituled *An Act to restrain the Alienation of Corporate Property in certain Towns in Ireland*, whereby it is provided that no Person who should have been appointed to any Office or Place of Profit in or by any of the said Bodies Corporate since the Sixteenth Day of *February* in the Year One thousand eight hundred and thirty-six should be entitled, by reason of such Appointment, to have any Compensation for the Loss of such Office or Place of Profit, or of the Fees and Emoluments thereof, in case Provision should be thereafter made by Parliament for removing him or authorizing his Removal from such Office or Place of Profit, or for amending or abolishing the same: Be it enacted, That every Officer of any Borough or Body Corporate, except those appointed since the Sixteenth Day of *February* One thousand eight hundred and thirty-six, who shall hold any Office of Profit at the Time when this Act shall come into operation in such Borough, whose Office shall be abolished, or cease or become unnecessary, by reason of this Act, or who shall be removed from his Office under the Provisions of this Act, or deprived of Fees or Emoluments to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, shall be entitled to have an adequate Compensation, by way either of a Sum in gross or of Annuity, at the Option of and to be assessed by the Council, Commissioners, or Guardians acting under this Act for that Borough, and paid out of the Borough Fund, or Town Fund or Corporate Property or Funds vested in the Guardians under this Act, as the Case may be, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk then to the Treasurer of the Borough, a Statement under the Hand of such Person, setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the passing of this Act, on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he shall claim such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration

Officers to
receive Com-
pensation on
Removal.

that the same is a true Statement according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Treasurer, as the Case shall be, shall lay such Statement before the Council, Commissioners, or Guardians acting under this Act for that Borough, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he shall not himself be the Town Clerk, shall be informed thereof by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council, Commissioners, or Guardians acting under this Act for that Borough thereon, or in case One Third of the Members of the Council, Commissioners, or Guardians acting under this Act for that Borough shall subscribe a Protest against the Amount of Compensation allowed by such Determination as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council, Commissioner, or Guardian, as the Case may be, who shall subscribe such Protest, to appeal to the Lords Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Lords Commissioners, shall be binding on all Parties: Provided always, that if the Council, Commissioners, or Guardians so acting for such Borough shall not determine on such Claim within Six Calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Treasurer, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Council, Commissioner, or Guardian to subscribe such Protest as aforesaid except within such Period of Six Calendar Months: Provided also, that the Person preferring such Claim, if any Member of the Council, Commissioner, or Guardian shall so require, upon receiving Notice in Writing signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Council, Commissioners, or Guardians for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Mayor or Chairman (who is hereby authorized to administer the same), shall answer all such Questions as shall be asked by any Member of the Council, Commissioner, or Guardian, touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto: Provided also, that every such Officer who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall be subsequently removed

moved from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office: Provided also, that the Provisions herein-before contained with respect to such Notice, Protest, and Appeals as aforesaid, and with respect to the said Lords Commissioners making such Order as aforesaid, and with respect to the Person claiming Compensation delivering such Statement, and attending such Meeting or Meetings, and submitting to such Examination on Oath, and answering such Questions, and producing such Books, Papers, and Writings as aforesaid, and with respect to the Powers of Investigation of the Town Council, and all other Matters in respect of such Claim, shall apply to any Claim or Compensation of any of the Persons herein-after mentioned or specially provided for.

CCVII. ' And whereas it may be expedient to make, with certain Limitations, special Provisions by way of Compensation for the Persons herein-after mentioned, which shall not be applicable to others; ' be it enacted, That the Town Council of the Borough of *Dublin* shall award, by way of Compensation, to *Robert Dickenson*, a Sum not exceeding the Amount of One Fourth Part of the Moiety of the Profits of any such Office of such Borough as he may have held jointly with any other Person on the Third Day of *February* One thousand eight hundred and forty, in respect of which Office he would be entitled to Compensation under the Provisions herein-before contained if he had been appointed thereto previous to the Sixteenth Day of *February* in the Year One thousand eight hundred and thirty-six: Provided nevertheless, that such Compensation so to be awarded to the said *Robert Dickenson* shall not exceed the annual Sum of Three hundred Pounds, or such gross Sum as it might be just to award in respect of such annual Sum: Provided also, that in case the Town Council of the said Borough shall appoint or employ the said *Robert Dickenson*, solely or jointly with any other Person, to be Town Clerk of the said Borough, or the Law Agent of the Corporate Body of the said Borough, or of the said Town Council, the said *Robert Dickenson* shall thereupon perform the Duties incident to such Appointment or Employment, and such Emoluments as he may derive by reason of such Appointment or Employment shall be taken and applied, as far as the same shall extend, in or towards the Discharge of such Sum as shall be so awarded to him as aforesaid: Provided also, that in case he shall be so appointed or employed, and shall be afterwards removed from such Appointment or Employment for such Misconduct as would warrant Removal from any Office held during good Behaviour (but not otherwise), he shall forfeit such Compensation so to be awarded as aforesaid; but in case he shall be so removed for any other Cause, he shall be entitled to such Compensation so to be awarded as if he had been an Officer forthwith removed under

Special Provision for Compensation of certain Persons in the City of Dublin.

the Provisions of this Act, and had not been continued in or re-appointed to such Office.

Assistant Auctioneers to remain in Office notwithstanding Removal of Sword-bearer or Marshal.

CCVIII. ' And whereas under an Act passed in the Parliament of *Ireland* in the Twenty-eighth Year of the Reign of King *George* the Third, in relation to the Business of Pawn-brokers in *Dublin*, the Sword-bearer, and the Marshal of the City of *Dublin*, and their Assistants, have enjoyed certain Privileges of acting in certain Districts of the said City as Auctioneers for the Sale of the forfeited Pledges of Pawn-brokers: And whereas the said Sword-bearer and Marshal have from Time to Time appointed Assistant Auctioneers for the Purposes aforesaid, who have received and retained a Part of the lawful Emoluments derived under the said Act from Auctions and Sales of the said Pledges; be it enacted, That in case each or either of them the said Sword-bearer and Marshal shall be removed from being such Sword-bearer and Marshal, or Sword-bearer or Marshal respectively, and shall not be re-appointed, and shall be entitled to Compensation under this Act, then and in such Case such Assistant shall, on exhibiting and authenticating to the Town Council the Original, and delivering to the Town Council a true Copy of his Deputation or Appointment as such Assistant, be, until Parliament shall otherwise provide, continued in his Employment as Auctioneer or Assistant, subject to all the Conditions, Agreements, and Obligations on his Part contained in or arising from such Deputation or Appointment, and subject to the Payment of such Sums as any such Assistant was liable to pay under such Deputation or Appointment as aforesaid as was in force on the Third Day of *February* One thousand eight hundred and forty, such Sums to be paid to the Sword-bearer or Marshal respectively, for the Time being, or otherwise as the Town Council shall order; and such Assistant shall be liable to be dismissed by such Sword-bearer or Marshal respectively, or by such Town Council, for the Violation of any Stipulation or Agreement, or the Non-fulfilment of any Obligation, by the Violation or Non-fulfilment of which, according to such Deputation or Appointment, the same would or might have been revoked or have become void: Provided always, that it shall be lawful for the Town Council, if they shall think fit, to remove such Assistant from his said Employment without such Violation or Non-fulfilment as aforesaid; but that in case of such Removal he shall be entitled to Compensation in respect of his Share of the net Emoluments of his said Employment as if he were an Officer of the Borough or Body Corporate entitled to Compensation under this Act: Provided always, that the total Amount of Compensation which may be allowed or awarded on account of any Claim or Claims of the said Sword-bearer and Marshal, and any such Assistant, in respect of such Privileges as aforesaid, shall not in any Event exceed in the whole the Amount of the net Emoluments received by them respectively under the said last-mentioned Act of the said Parliament of *Ireland*: Provided also, that all the Provisions herein contained in relation

to, or so far as they may concern or affect, any such Assistant, or any such Sword-bearer or Marshal, shall be subject to such Provisions as shall be made by any Act of Parliament which may be passed in relation to Pawnbrokers; and that no Sword-bearer or Marshal, or Assistant, or other Person hereafter appointed, or who shall hereafter act in relation to the Auctions or Sales of any forfeited Pledges of Pawnbrokers, shall be entitled to any Compensation for any Loss of any Employment, Office, or Emoluments by reason of any Act which may be passed in relation to Pawnbrokers, or of any Regulations or Proceedings to be had or made thereunder.

CCIX. And be it enacted, That it shall be lawful for the Town Council of the Borough of *Dublin* to grant, by way of Compensation, to each of the present Four junior Aldermen of the City of *Dublin* such Sum (not exceeding One Fourth of the Amount of the average Profits received as Judge or President of the Court of Conscience in *Dublin* by each Person who for the Five Years ending the Twenty-ninth Day of *September* in the Year One thousand eight hundred and thirty-eight served the Office of Lord Mayor of the said City or by his Deputy) as to such Town Council, or to the Lords Commissioners of the Treasury on Appeal, shall seem just; and each such junior Alderman shall furnish and verify on Oath to such Town Council a Statement of such Profits in lieu of the Statement hereinbefore required to be made of the Amount received by the Person claiming Compensation, or his Predecessors: Provided always, that in case any of such junior Aldermen shall, since the Month of *August* One thousand eight hundred and thirty-nine, have received, or shall have acquired any Title to, any Sum or pecuniary Benefit which ought justly to be taken into account in considering his Claim to Compensation under this Act, such Sum or Benefit shall be treated either as extinguishing such Claim, or as applicable to diminish the Amount which might otherwise be awarded to him as aforesaid.

Provision respecting Junior Aldermen in *Dublin*.

CCX. And be it enacted, That in the Case of any Borough named in the said Schedule (A.) or in the said Schedule (B.) in which there shall be a Body Corporate under the Provisions of this Act, the Amount of the Sum or Annuity payable to any Person as such Compensation as aforesaid, if not forthwith paid, shall be secured to such Person by Bond under the Common Seal of the Borough out of whose Funds the same shall be payable, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors or Administrators or Assigns, of the Amount of such Sum, with Interest, and all Arrears thereof (if any) accrued due before the Date of such Bond; and when any Person shall be entitled to any Annuity, Pension, Allowance, Stipend, or Sum of Money, payable out of the Borough Fund of any Borough, the said Council of such Borough shall give such Bond, securing to such Person, his Executors and Administrators, such Annuity, Pension, Allowance, Stipend, or Sum of Money, with all Arrears thereof, if any, accrued due before the

Compensation to be secured by Bond or Certificate under Common Seal.

the Date of such Bond; and in the Case of any Borough named in the said Schedule (B.) to which no such Charter of Incorporation shall have been granted as aforesaid, the Amount of the Sum or Annuity payable to any Person as such Compensation as aforesaid, if not forthwith paid, shall be secured to such Person by Certificate in Writing under the Seal of the Commissioners or Guardians acting for the Borough out of the Town Fund of which the same shall be payable, stating that the Town Fund of the Town in which such Person shall be or have been in Office is liable to the Payment to such Person, his Executors, Administrators, or Assigns, of the Amount of such Sum, with Interest and all Arrears (if any) accrued due before the Date of such Certificate respectively; and when any Person shall be entitled to any Annuity, Pension, Allowance, Stipend, or Sum of Money payable out of the Town Fund of any Borough which shall be sufficient for Payment thereof, the said Commissioners or Guardians acting for such Borough shall give a Certificate under their Common Seal to such Person that such Town Fund is liable to the Payment to such Person, his Executors and Administrators, of such Annuity, Pension, Allowance, Stipend, or Sum of Money, with all Arrears thereof (if any) accrued due before the Date of such Certificate; and every such Bond and Certificate shall be prepared and executed at the Expence of such Borough Fund or Town Fund respectively, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof shall have been determined as aforesaid by the said Council, Commissioners, or Guardians, as the Case may be, or shall have been determined, in the event of such Appeal as aforesaid, by Order of the said Lords Commissioners of the Treasury.

When the Act
shall come into
operation.

CCXI. And be it enacted, That within Ten Days after the passing of this Act the Poor Law Commissioners shall certify under their Hands and Seals to the Lord Lieutenant the Name of each of those Boroughs named in the said Schedule (A.) in which any Rate for the Relief of the destitute Poor in *Ireland* shall have been then made, and as soon as any Rate for the Relief of the destitute Poor in *Ireland* shall have been made in any other of the Boroughs named in the said Schedule (A.) shall certify under their Hands and Seal to the Lord Lieutenant that such Rate shall have then been made, and such Commissioners shall state in every such Certificate the Day on which such Rate shall have been made; and upon the Poor Law Commissioners so certifying as to any of the Boroughs named in said Schedule (A.) the Lord Lieutenant shall cause such Certificate to be published in the *Dublin Gazette*, with a Declaration that upon the Day happening next after the Expiration of Twelve Calendar Months from the Day so to be stated in such Certificate this Act shall be in force in such Borough or Boroughs respectively named in the Certificate; and upon such Day this Act shall come into operation, com-
mence,

mence, and be in force in the Borough or Boroughs named in such Certificate.

CCXII. ' And whereas it may happen that the several Provisions of this Act cannot be carried into effect within the ' several Periods herein-before specified and limited in that ' Behalf;' be it therefore enacted, That it shall be lawful for the Lord Lieutenant of *Ireland*, if he shall think fit, by the Advice of Her Majesty's Privy Council there, to order any convenient Day after this Act shall come into operation in any Borough for doing the several Matters required or authorized by this Act to happen or to be done on the Fifth Day of *September* in the First Year in which this Act shall come into operation in that Borough, instead of the said Fifth Day of *September*, and in such Case all Matters mentioned in such Order shall be done in the said Year on such Day as shall be mentioned in that Behalf in such Order, as if the Day mentioned in such Order had in every Instance been mentioned in this Act, instead of the said Fifth Day of *September*, and not otherwise; and all Things required or authorized by this Act to happen or to be done on any other Day, or within any Time from or before or after any Day named in this Act, shall be done in the said First Year on such other Days and within such other Times as shall have, in point of Time, whether prior or subsequent, the same Relation to the Day so ordered by the Lord Lieutenant, instead of the Fifth Day of *September*, as the Days and Time mentioned in this Act have to the said Fifth Day of *September*, but if any such Day fall on a *Sunday*, then on the following Day; and no Person shall be entitled to be enrolled in the Burgess Roll of any Borough in the First Year in which this Act shall come into operation in that Borough unless he would have been entitled on the Fifth Day next before the Day so ordered by the Lord Lieutenant to have his Name included in some Churchwarden's List, if such List had been made out on the said Fifth Day next before the Day so ordered.

Periods connected with first Registration and Election may be deferred by Orders in Council.

CCXIII. And be it enacted, That the Accounts of the Receipt and Expenditure of every Corporation, or of such Commissioners as aforesaid, or of the Governors of the Hospital and Free School of King *Charles* the Second, *Dublin*, shall, from and after the passing of this Act, be referred by the Secretary of State to the Commissioners appointed or to be appointed for auditing Public Accounts under an Act passed in the Twenty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the better examining and auditing the Public Accounts of this Kingdom*, also under an Act passed in the Forty-sixth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for making more effectual Provision for the more speedy and regular Examination and Audit of the Public Accounts of this Kingdom*, and also under an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to alter and abolish certain*

Accounts to be referred to Commissioners of Public Accounts.

25 G. 3. c. 52.

46 G. 3. c. 141.

1 & 2 G. 4. c. 121.

Forms

Forms of Proceedings in the Exchequer and Audit Office relative to Public Accountants, and for making further Provisions for the Purpose of facilitating and expediting the passing of Public Accounts in Great Britain, and to render perpetual and amend an Act passed in the Fifty-fourth Year of His late Majesty, for the effectual Examination of the Accounts of certain Colonial Revenues; and all the Powers and Provisions now in force of the same Acts shall extend and be applicable to the Examination, Audit, and Discharge of the Accounts of the said Boroughs by the said Commissioners, as far as their Powers and Provisions are applicable thereto.

Treasury empowered to make new Arrangements and Regulations for auditing Public Accounts.

CCXIV. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, from Time to Time, by Warrant under their Hands, to direct such new Arrangements in the Office of the said Commissioners for auditing Public Accounts, and to assign to the Commissioners, individually or collectively, the Exercise of such Duties, and to make such Orders and Regulations in respect to the Conduct of the Business of the Office, as the said Commissioners of Her Majesty's Treasury shall deem expedient, and best calculated to ensure the most prompt and speedy Examination and efficient Audit of the Accounts of the Receipt and Expenditure of the said Boroughs.

Interpretation Clause.

CCXV. And be it enacted, That in the Construction of this Act the Word "Borough" shall be construed to mean City, Borough, or Town Corporate named in One of the Schedules to this Act annexed, and where the Name of such Borough has belonged to a County of a City or County of a Town shall be construed to include in its Meaning County of a City or County of a Town; and unless there be something in the Subject or Context repugnant to such Construction the Words "Body Corporate" shall be construed to mean the Body Corporate of a Borough named in One of the Schedules to this Act annexed, and also to include all Guilds and Fraternities of, within, or connected with the Body Corporate of any such Borough; and the Word "Burgess" shall be construed to mean Citizen, in the Case of a City; and the Word "County" shall be construed to mean County or Riding; and the Word "Trustees" shall be construed to mean Trustees, Commissioners, or Directors, or the Persons charged with the Execution of a Trust or public Duty, by whatever Name they are designated; and the Word "Parish" shall be construed to extend to any Extra-parochial Precinct or Place as well as a Parish; and the Word "Land" shall be construed to include any Land, whether the same shall or shall not have any Building thereon; and the Words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*; and the Words "Lord Chancellor" shall be construed to mean the Lord Chancellor, or Lord Keeper or Lords Commissioners for the Custody of the Great Seal; and that in all Things
herein

herein provided to be done, until the First Election of Councillors in any Borough under this Act shall have been declared, the Word "Mayor" shall be construed to mean the Chief Officer of a Borough, by whatever Name he is now called, or when there may be no such Chief Officer the Returning Officer at Elections of Members to serve in Parliament for such Borough, or when there may be neither any such Chief Officer or Returning Officer then such Person as the Lord Lieutenant for the Time being shall by Writing under his Hand appoint to perform the Duty of Mayor under the Provisions herein contained; and in describing any Person or Thing any Word importing the Singular Number shall be construed to mean also several Persons or Things respectively, unless there be something in the Subject or Context repugnant to such Construction; and that no Misnomer or inaccurate Description of any Person, Body Corporate, or Place named in any Schedule to this Act annexed, or in any Roll, List, Ward List, Notice, or Voting Paper required by this Act, shall hinder the full Operation of this Act with respect to such Person or Place, provided that such Person or Place shall be so named as to be commonly understood; and in all Cases where an Oath or Affidavit is required under this Act the Affirmation or Declaration of a Quaker, Moravian, or Separatist shall be accepted in lieu of such Oath or Affidavit.

CCXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to or comprise any Property, not derived from the Crown or from Parliament, belonging to or in Possession of any Fraternity or Guild within or connected with any of the said Bodies Corporate, but that it shall be lawful for the Members of such Fraternity or Guild to dispose of and appropriate such Property (but subject to any charitable Trust, lawful Debt or Engagement, if any, previously affecting the same, or contracted or undertaken in respect thereof,) towards such public Object or charitable Purpose as shall be agreed upon and determined by the Members of such Fraternity or Guild, or a Majority of such Members present at any Meeting or Meetings to be held at any Time after the passing of this Act, and to be specially convened for the Purpose of determining as to the future Disposition of such Property.

Act not to extend to the Property of Fraternities.

CCXVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
BELFAST -	5	10	30	The Sovereign, Free Burgesses, and Commonalty of the Borough of Belfast.
CLONMEL -	2	6	18	The Mayor, Free Burgesses, and Commonalty of the Town of Clonmel.
CORK -	8	16	48	The Mayor, Sheriffs, and Commonalty of the City of Cork.
DROGHEDA -	3	6	18	The Mayor, Sheriffs, Burgesses, and Commonalty of the County of the Town of Drogheda.
DUBLIN -	15	15	45	The Right Honourable the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin.
KILKENNY -	2	6	18	{ The Mayor and Citizens of the City of Kilkenny. The Portreeve, Burgesses, and Commons of the Borough or Town of Irishtown.
LIMERICK -	5	10	30	The Mayor, Sheriffs, and Citizens of the City of Limerick.
LONDONDERRY -	3	6	18	The Mayor, Commonalty, and Citizens of Londonderry.
SLIGO -	3	6	18	The Provost, Free Burgesses, and Commonalty of the Borough of Sligo.
WATERFORD -	5	10	30	The Mayor, Sheriffs, and Citizens of the County of the City of Waterford in the Kingdom of Ireland.

SCHEDULE (B.)

Borough.	Style of Corporate Body.
ARDEE -	The Portreeve, Burgesses, and Commons of the Corporation of Athderdee.
ARMAGH -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Armagh.
ATHLONE -	The Sovereign, Bailiffs, Burgesses, and Freemen of the Town of Athlone.

Borough.	Style of Corporate Body.
ATHY - -	The Sovereign, Bailiffs, Free Burgesses, and Commonalty of the Borough of Athy.
BANDON - -	The Provost, Free Burgesses, and Commonalty of the Borough of Bandon Bridge.
BOYLE - -	The Borough Master, Free Burgesses, and Commonalty of the Borough of Boyle.
CALLAN - -	The Sovereign, Burgesses, and Freemen of Callan.
CARLOW - -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Catherlagh.
CARRICKFERGUS	The Mayor, Sheriff, Burgesses, and Commonalty of the Town of Carrickfergus.
CASHEL - -	The Mayor, Aldermen, Bailiffs, Citizens, and Commons of the City of Cashel.
CHARLEVILLE - -	The Sovereign, Bailiffs, and Burgesses of the Borough of Charleville.
CLOGHNAKILTY	The Sovereign, Free Burgesses, and Commonalty of the Borough of Cloghnakilty.
COLERAINE - -	The Mayor, Aldermen, and Burgesses of the Town of Coleraine.
DINGLE - -	The Sovereign, Burgesses, and Commonalty of the Town of Dingle-i-couch.
DUNDALK - -	The Bailiff, Burgesses, and Commonalty of the Borough of Dundalk.
DUNGANNON - -	The Provost, Free Burgesses, and Commons of the Borough of Dungannon.
ENNIS - -	The Provost, Free Burgesses, and Commonalty of the Town of Ennis.
ENNISCORTHY - -	The Portreeve, Free Burgesses, and Commonalty of the Borough of Enniscorthy.
ENNISKILLEN - -	The Portreeve, Free Burgesses, and Commonalty of the Borough of Enniskillen.
FETHARD - -	The Sovereign, Chief Burgesses, Portreeve, and Freemen of the Town of Fethard.
GALWAY - -	The Mayor, Sheriffs, Free Burgesses, and Commonalty of the Town and County of the Town of Galway.
GOREY - -	The Sovereign, Burgesses, and Free Commons of the Borough and Town of Newborough.
KELLS - -	The Sovereign, Provost, Burgesses, and Commonalty of the Borough of Kells.
KINSALE - -	The Sovereign, Burgesses, and Commonalty of the Town of Kinsale.
LONGFORD - -	The Sovereign, Bailiffs, and Burgesses of the Borough of Longford.
MARYBOROUGH	The Burgomaster, Bailiffs, Burgesses, and Commonalty of Maryborough.
MONAGHAN - -	The Provost, Free Burgesses, and Commonalty of the Borough of Monaghan.

Borough.	Style of Corporate Body.
NAAS - -	The Sovereign, Provost, Burgesses, and Commonalty of Naas.
NAVAN - -	The Portreeve, Burgesses, and Freemen of the Town or Borough of Navan.
NEW ROSS -	The Sovereign and Burgesses of New Ross.
PORTARLINGTON	The Sovereign, Bailiffs, and Burgesses of the Borough and Town of Portarlington.
STRABANE -	The Provost, Free Burgesses, and Commonalty of the Town of Strabane.
TRALEE - -	The Provost, Free Burgesses, and Commonalty of the Borough of Tralee.
TRIM - -	The Portreeve, Burgesses, and Freemen of Trim.
TUAM - -	The Sovereign, Free Burgesses, and Commonalty of the Borough of Tuam.
WEXFORD -	The Mayor, Bailiffs, Free Burgesses, and Commonalty of the Town or Borough of Wexford.
WICKLOW -	The Portreeve, Free Burgesses, and Commonalty of the Town of Wicklow.
YOUGHAL -	The Mayor, Bailiffs, Burgesses, and Commonalty of the Town of Youghal.

SCHEDULE (C.)

1.—BELFAST.

GENERAL BOUNDARY.

BELFAST.—From the Point at which the River Blackstaff meets the Watercourse which flows along the Street called Donegal Pass, along the said Watercourse, to the Point at which Donegal Pass crosses the Aqueduct which supplies the Town; thence, Southward, along the Aqueduct to the Point at which the same joins the Stream by which it is fed; thence, Westward, along the said Stream to the Point at which the same meets Blackstaff Lane; thence along the South Side of Blackstaff Lane to the Centre of the Brick Building of the Reservoir or Fountain; thence in a straight Line to a circular Building at a Springhead or Well called Tea Lane Fountain; thence in a straight Line to another circular bricked Fountain or Well in the Grounds near the Flax Mill belonging to Messrs. Murphy and Company; thence in a straight Line to the South-eastern Angle of the Boundary of the Townland of Edenderry; thence, Northward, along the said Townland Boundary to the Point at which the same meets a Stream; thence,

thence, Westward, along the said Stream to the Point at which the same meets the Western Wall of Mr. Francis M'Cracken's Rope-walk; thence, Northward, along the Wall of the said Rope-walk to the Point at which the same meets the Shank Hill Road; thence in a straight Line to the Southernmost Point at which the Boundary of the new Burying Ground meets the Antrim Road; thence, Northward, along the Antrim Road to the Point at which the same meets the Road leading from the Antrim Road to the old Road from Belfast to Carrickfergus; thence along the said Road leading to the old Road to Carrickfergus to the Point at which the same meets the old Road from Belfast to Carrickfergus; thence, Northward, along the old Road from Belfast to Carrickfergus to the Point at which the same meets the Mill Water; thence, Eastward, along the Mill Water to the Point at which the same meets the Shore of Belfast Lough; thence in a straight Line across Belfast Lough to the North-eastern Point of the Boundary of the Townland of Ballymacarrett; thence, Southward, along the Boundary of the Townland of Ballymacarrett to the Southernmost Point at which the same meets the River Lagan; thence, Southward, along the River Lagan to the Point at which the same meets the River Blackstaff; thence along the River Blackstaff to the Point first described.

To be divided into Five Wards, according to the following Boundaries; and in every such Ward there shall be Two Aldermen and Six Councillors.

No. 1.—*Dock Ward.*

From the South-eastern Angle of Donegal Quay, Westward, along Donegal Quay, to the Point at which the same meets Waring Street; thence along Waring Street to the Point at which the same meets Mary Street; thence, Northward, along Mary Street to the Point at which the same meets Gordon Street; thence, Westward, along Gordon Street to the Point at which the same meets Grattan Street; thence along Grattan Street to the Point at which the same meets Green Street; thence along Green Street to the Point at which the same meets Academy Street; thence, Northward, along Academy Street to the Point at which the same meets Great Patrick Street; thence, Westward, along Great Patrick Street to the Point at which the same meets Frederick Street; thence along Frederick Street to the Point at which the same meets North Queen Street; thence, Southward, along North Queen Street to the Southern Angle of the Boundary Wall of the Belfast Poorhouse; thence, Westward, along the new Antrim Road to the Point at which the same meets the Boundary of the Borough; thence, Northward, and along the Boundary of the Borough, to a Point in the Channel Three hundred Feet from the West Shore of Belfast Lough; thence in a straight Line to the Point first described.

No. 2.—*St. Anne's Ward.*

From the Point at which Waring Street meets Mary Street, Northward, along Mary Street to the Point at which the same meets Gordon Street; thence, Westward, along Gordon Street to the Point at which the same meets Grattan Street; thence along Grattan Street to the Point at which the same meets Academy Street; thence, Northward, along Academy Street to the Point at which the same meets Great Patrick Street; thence, Westward, along Great Patrick Street to the Point at which the same meets Frederick Street; thence along Frederick Street to the Point at which the same meets North Queen Street; thence, Southward, along North Queen Street to the Southern Angle of the Boundary Wall of the Belfast Poor-house; thence, Westward, along the new Antrim Road to the Point at which the same meets the Boundary of the Borough; thence, Westward, along the Boundary of the Borough to the Point at which the same meets the Old Lodge Road; thence, Eastward, along the Old Lodge Road to the Point at which the same meets North Street; thence, Eastward, along North Street to the Point at which the same meets Waring Street; thence along Waring Street to the Point first described.

No. 3.—*Smithfield Ward.*

From the Point at which North Street meets Rosemary Street, along Rosemary Street, to the Point at which the same meets Hercules Place; thence, Southward, along Hercules Place, passing in front of the Northern Bank, to the Northern End of Donegal Place; thence along Donegal Place to the Point at which the same meets Donegal Square North; thence, Westward, along Donegal Square North to the Point at which the same meets Wellington Place; thence along Wellington Place to the Point at which the same meets College Square East; thence, Northward, along College Square East to the Point at which the same meets College Square North; thence, Westward, along College Square North to the Point at which the same meets Durham Street; thence, Northward, along Durham Street to the Point at which the same meets Pound Street; thence along Pound Street to the Point at which the same meets the Boundary of the Borough; thence, Northward, along the Boundary of the Borough to the Point at which the same meets the Old Lodge Road; thence, Eastward, along the Old Lodge Road to the Point at which the same meets North Street; thence, Eastward, along North Street to the Point first described.

No. 4.—*St. George's Ward.*

From the South-eastern Angle of Donegal Quay, Westward, along Merchant's Quay, to the Point at which the same meets Waring Street; thence along Waring Street to the Point at which the same meets Rosemary Street; thence along Rosemary Street
to

to the Point at which the same meets Hercules Place; thence, Southward, along Hercules Place, and passing in front of the Northern Bank, to the Northern End of Donegal Place; thence along Donegal Place to the Point at which the same meets Donegal Square North; thence, Eastward, along Donegal Square North to the Point at which the same meets Chichester Street; thence along Chichester Street to the Point at which the same meets the River Lagan; thence, Southward, along the River Lagan to the new Bridge over the River Lagan; thence, Eastward, along the new Road from Belfast to Bangor to the Point at which the same meets the old Road from Belfast to Bangor; thence, Eastward, along the Bangor Road to the Point at which the same crosses the Boundary of the Borough; thence, Northward, along the Boundary of the Borough to the Point in the Channel, Three hundred Feet from the West Shore of Belfast Lough; thence in a straight Line to the Point first described.

No. 5.—*Cromac Ward.*

From the Point at which the Boundary of the Borough crosses Pound Street, Southward, along Pound Street, to the Point at which the same meets Durham Street; thence along Durham Street to the Point at which the same meets College Square North; thence along College Square North to the Point at which the same meets College Square East; thence along College Square East to the Point at which the same meets Wellington Place; thence along Wellington Place to the Point at which the same meets Donegal Square North; thence along Donegal Square North to the Point at which the same meets Chichester Street; thence along Chichester Street to the Point at which the same meets the River Lagan; thence, Southward, along the River Lagan to the new Bridge over the River Lagan; thence, Eastward, along the new Road from Belfast to Bangor to the Point at which the same meets the old Road from Belfast to Bangor; thence, Eastward, along the Bangor Road to the Point at which the same crosses the Boundary of the Borough; thence, Southward, along the Boundary of the Borough to the Point first described.

2.—CLONMEL.

GENERAL BOUNDARY,

BEING THE PARLIAMENTARY BOUNDARY.

CLONMEL—From the Point at which the Western Inclosure Wall of the House of Industry meets the River Suir, along the said Western Wall, to the Point at which the same meets Marl Street; thence along Saint Stephen's Lane to the Point at which the same meets the Old Cahir Road;

thence, Eastward, along the Old Cahir Road to the Point at which the same is met by a Lane running Northward; thence, Northward, along the said Lane to the Point at which the same is met by the first Bank on the Right; thence, Eastward, along the said Bank to the Point at which the same is met by a Lane coming from the North and turning to the East; thence, Eastward, along the last-mentioned Lane to the Point at which the same meets Heywood Street; thence along a Bank which runs Eastward from a House a little to the South of the Point last described to the Point at which the said Bank meets a small Bye Lane leading to the Cashel Road; thence, Southward, along the said Cashel Road to the Point at which the same is met by the Southern Boundary Wall of the Park or Pleasure Grounds of Mr. David Malcolmson; thence along the said Boundary Wall to the Point where the said Wall meets Upper Johnson Street; thence, Eastward, along Backbone Lane to the Extremity thereof; thence to a Point in the new Road to Fethard, which Point is Sixty-four Yards to the North of the Spot at which the said Road is crossed by Bonlie Lane; thence, Southward, for Sixty-four Yards to the said Spot where the Fethard Road is crossed by Bonlie Lane; thence, Eastward, along Bonlie Lane for about Six hundred and forty-four Yards to a Point at which the same is met by a Bank on the Right opposite a small House; thence, Southward, along the said Bank for the Distance of about Two hundred and nine Yards to the Point where it is met by another Bank running Eastward; thence, Eastward, along the last-mentioned Bank for about Fifty Yards to a Point where the same makes an Angle in turning to the South; thence, Southward, for about Fifty Yards along a Bank which leads to a Bye Road to Powerstown until the said Bank reaches the said Bye Road; thence, Eastward, along the said Bye Road for the Distance of about Two hundred and seventeen Yards to the Spot where it is met by the first Bank on the Right; thence in a straight Line to the most Northern Point of a Bank on the Southern Side of the Dublin Road, which Point is distant about Four hundred and sixty-four Yards from a Stone in Barrack Street which marks the South-eastern Corner of the Ordnance Land; thence along the last-mentioned Bank to the Point at which the same meets the River Suir; thence along the Southernmost Channel of the River Suir as far as Moore's Island; thence along the Channel of the same to the North of Moore's Island to the Point first described.

To be divided into Two Wards, according to the following Boundaries; and in every such Ward there shall be Three Aldermen and Nine Councillors.

No. 1.—*East Ward.*

All that Portion of the Borough situated East of the following Line; viz.—From the Point where the Fethard Road intersects the Municipal Boundary, Southward, along Upper Johnson Street to the Point of meeting Main Street; thence, Westward, along Main Street to the Point of meeting Bridge Street, along the Flour Mills, and over the Goat's Bridge, to the Point where that Road intersects the Municipal Boundary.

No. 2.—*West Ward.*

All that Portion of the Borough situated Westward of the Line described in East Ward.

3.—CORK.

GENERAL BOUNDARY.

CORK.—From the Point where Silver Stream Lane meets the Dublin Road, Northward, along the said Lane, to the Upper Glanmire Road; thence in a straight Line and North Direction to the Spring and Stream that flows into the Glen River; thence follow the Stream to the River; thence, West, along the River Glen to the Eastern Wall of Callaghan's Distillery; thence, Northward, along the said Wall to Spring Lane; thence, East, along Spring Lane to Ballyvo Road; thence in a straight Line and Westerly Direction to the Junction of the Mallow and old Dublin Roads; thence in a straight Line and Westerly Direction to the Junction of Fairfield Lane and Brocklesbury Street; thence in a straight Line and Southerly Direction to the West End of Water Lane; thence to a Point in Fair Lane Five hundred Yards to the North of the Junction of the said Lane with Corbett's Lane; thence to a Point on the Granagher Road Four hundred Yards from its Junction with Blarney Road; thence in a straight Line to a Junction of the Lane (near Skilla Lane) leading to the City Gaol with the Blarney Road; thence along the Lane leading to the City Gaol to the South-west Corner of the surrounding Wall of the said Gaol; thence in a straight Line to a Point on the Sunday Well Road Three hundred Yards to the East of Wellington Bridge; thence in a straight Line to a Point on the Mardyke Walk Seven hundred Yards to the East of the Lane leading from Wellington Bridge to the said Mardyke Walk; thence in a straight Line to the Road leading to the County Gaol; thence along the said Road to the North-east Corner of the surrounding Wall of the said County Gaol; thence along the said North-east Wall to the Northern Macroom and Bandon Road; thence in a straight Line to a Point on the Bandon Road One hundred and twenty Yards West of the Junction of the said Road with the Southern Macroom and Bandon Road; thence in a straight Line to a Point on the Kinsale Road Three hundred and seventy Yards from the Junction of Lough Lane with the Bandon Road, and measured along the Middle of Lough Lane and the Kinsale Road; thence in a straight Line to the Junction of Poula Duff Road with Gallows Green; thence in a straight Line and South-east Direction to the Point where the New Burying Ground Lane meets Friar's Walk; thence along the New Burying Ground Lane to the Curragh Road; thence in a North-east Direction along the Curragh Road to Evergreen Road; thence in a straight Line and North-east Direction to a Point on the Passage Road where a Lane leads from

the said Road to the Junction of the Black Rock Road with Boreen Managh Lane; thence along the said Lane to the Point of Junction of the said Black Rock Road and Boreen Managh Lane; thence, East, along the said Black Rock Road to Lucy Ville Lane; thence in a straight Line to the nearest Point of the surrounding Wall of the City Gas Works; thence along the Eastern Wall of the said Gas Works to the nearest Point of the River; thence, Eastward, along the High-water Mark to the Point nearest the Old Castle; thence across the River to the first-named Point.

To be divided into Eight Wards, according to the following Boundaries; and in every such Ward there shall be Two Aldermen and Six Councillors.

No. 1.—*Lee Ward.*

From the Point where Fair Lane meets the Borough Boundary proceed, Southward, along Fair Lane, Baily's Lane, Rogerson Lane, Bishop's Lane, Manning's Lane, to Dominick Street; Eastward, along Dominick Street to Widderly Lane, along Widderly Lane to the River Lee; Westward, along the River Lee to the Borough Boundary; Northward, along the Borough Boundary to the Point first described.

No. 2.—*St. Patrick's Ward.*

From the Point where Fair Lane meets the Borough Boundary proceed, Southward, along Fair Lane, Baily's Lane, Rogerson Lane, Bishop's Lane, Manning's Lane, to Dominick Street; Eastward, along Dominick Street to Widderly Lane, along Widderly Lane to the River Lee, thence along the River Lee to St. Patrick's Bridge; Northward, up Bridge Street, St. Patrick's Hill, Audley Place; Eastward, along the old Road to Youghal to the Point at which it is intersected by the new Road to Ballyhooly; thence along the new Road to Ballyhooly to the Boundary of the Borough; Westward, along the Boundary of the Borough to the first-named Point.

No. 3.—*Glanmire Ward.*

From St. Patrick's Bridge, North, up Bridge Street, St. Patrick's Hill, Audley Place; East, along the old Road to Youghal to the Point at which it is intersected by the new Road to Ballyhooly; thence along the new Road to Ballyhooly to the Borough Boundary; East, along the Borough Boundary to the River Lee; thence, West, along the River Lee to the Point first described.

No. 4.—*Corn Market Ward.*

From Parliament Bridge, East, along the South Channel of the River Lee to the Borough Boundary; thence, South, along the Borough Boundary to Friar's Walk; North, along Friar's Walk to

to Cat Lane; West, along Cat Lane, Bluecoat Street, Abbey Street, Travers Street, Drunam Street; East, along Sullivan's Quay to the Point first described.

No. 5.—St. Fin Barr's Ward.

From the Point where Friar's Walk meets the Borough Boundary, North, along Friar's Walk to Cat Lane; West, along Cat Lane to Bluecoat Street, along Bluecoat Street, across Abbey Street, along Travers Street, Drunam Street, Sullivan's Quay, to Parliament Bridge; West, along the Southern Branch of the River Lee to South Bridge; Northward, up South Main Street to Great George Street, East, along Great George Street to Wandesford Street, along Wandesford Street to Clarke's Bridge; West, along the South Branch of the River Lee to the Borough Boundary; South, along the Borough Boundary to the Point first described.

No. 6.—Mansion House Ward.

From North Bridge proceed, South, along North Main Street to Great George Street, to Wandesford Street, along Wandesford Street to Clarke's Bridge; thence, West, along the South Branch of the River Lee to the Borough Boundary; North, along the Borough Boundary to the North Branch of the River Lee; East, along the North Branch of the River Lee to the Point first described.

No. 7.—Exchange Ward.

From North Bridge proceed, South, along North Main Street, along South Main Street, to South Bridge; East, along the South Channel of the River Lee to the Point opposite Queen Street, thence to Queen Street, along Queen Street to South Mall; West, along South Mall to Marlboro' Street, along Marlboro' Street, across St. Patrick's Street, to Academy Street, along Academy Street, Halfmoon Street, to the North Channel; West, along the North Channel to the Point first described.

No. 8.—Custom House Ward.

From the Point on the South Channel of the River Lee opposite Queen Street, proceed direct to Queen Street; North, along Queen Street to South Mall; West, along South Mall to Marlboro' Street, along Marlboro' Street, across St. Patrick's Street, to Academy Street, along Academy Street, Halfmoon Street, to the North Channel; East, along the North Channel and round the Island; and West, along the South Channel to the Point first described.

4.—DROGHEDA.

GENERAL BOUNDARY.

DROGHEDA.—From the Point called Liberty Bridge, near Greenhills, on the Left Bank of the River Boyne, East of the Town, where a small Stream enters the River in an Easterly Direction, up Cord Lane to the South-east Corner of the Burial Ground; thence, Northerly, along the East Boundary Wall of the Burial Ground up the Lane to Scarlet Lane; thence to the North-west Corner of the Gaol Wall; thence in a straight Line to the North-east Corner of Harman's Garden Wall; thence, Southerly, round the Garden Wall to the South-west Corner; thence in a straight Line to the Cross Roads at the Top of Windmill Lane; thence to the North Road to the Point where the Parliamentary Boundary crosses it; thence in a straight Line, along the Parliamentary Boundary, to the South-west Corner of Laburnam Nursery, being about Three hundred Yards; thence in a straight Line to the Junction of Mill Lane and Collon Road; thence in a straight Line to Low-water Mark, Left Bank of the River; thence, diagonally across the River, down Stream to a Sluice where a small Stream enters the River and the Parliamentary Boundary crosses; thence to the South End of Mr. Ball's House, Ball's Grove; thence to the Junction of a Lane coming from the South with the Road to Navan and the Black Lion near a Stone Quarry, and about Two hundred and fifty Yards South of the River; thence in a straight Line to Levan's Bridge; thence, keeping the Course of the Brook, Westerly, to Cooley Bridge; thence in a straight Line to the South-east Angle of the Boundary Wall of St. Mary's Churchyard, being Part of the old Town Walls; thence in a straight Line to the Dublin Road at the Point of Junction with a Lane running North from Cromwell's Mount; thence in a straight Line to the East End of Mr. Weir's new House on the Road to Morningtown; and thence, across the River to the Point first described.

To be divided into Three Wards, according to the following Boundaries; and in every such Ward there shall be Two Aldermen and Six Councillors.

No. 1.—*West Gate Ward.*

Commencing at the Borough Boundary on the North Road, and thence in a South-easterly Direction down the Centre of the North Road to its Intersection with Fair Street; thence, Easterly, down Fair Street to its Intersection with Scholes Lane; thence, Southerly, down Scholes Lane to its Intersection with West Street; thence, Easterly, down West Street to its Intersection with Shop Street; thence, Southerly, down Shop Street, over the Bridge, up the Bull Ring, to its Intersection with Barrack Lane; thence, South-westerly, up Barrack Lane, past the Barracks, to its Intersection with Duleek Street; thence
up

up Duleek Street to the Borough Boundary at Cooley Bridge; thence, Westerly, round the Borough Boundary, across the River, along the Boundary, to the Point first named. The whole of the Area within this Line to form West Gate Ward.

No. 2.—*Fair Gate Ward.*

Commencing at the Borough Boundary on the North Road as before, and coming in a South-easterly Direction down the Centre of the North Road to its Intersection with Fair Street; thence, Easterly, down Fair Street to its Intersection with Scholes Lane; thence, Southerly, down Scholes Lane to its Intersection with West Street; thence, Easterly, down West Street to its Intersection with Peter Street; thence, Northerly, up Peter Street to where it meets the Ends of William Street and Fair Street; thence, Easterly, down William Street to its Intersection with Palace Street; thence, Northerly, up Palace Street to its Intersection with Scarlet Lane; thence, Easterly, down Scarlet Lane to the Borough Boundary; thence, Westerly, round the Borough Boundary to the Point first named on the North Road. The whole of the Area within this Line to form Fair Gate Ward.

No. 3.—*St. Lawrence Gate Ward.*

Commencing at the West End of Saint Lawrence Street, where that Street, Peter Street, West Street, and Shop Street all meet; thence, Northerly, up Peter Street till it meets the Ends of Fair Street and William Street; thence, Easterly, down William Street to its Intersection with Palace Street; thence, Northerly, up Palace Street to its Intersection with Scarlet Lane; thence, Easterly, down Scarlet Lane to the Borough Boundary; thence, Southerly, along the Borough Boundary, crossing the River, and continuing along the Boundary, to Cooley Bridge; thence, Northerly, down Duleek Street, along the Eastern Boundary of West Gate Ward, to the Intersection of Shop Street, Lawrence Street, and Peter Street, being the Point first named. The whole of the Area within this Line to form Saint Lawrence Gate Ward.

5.—DUBLIN.

GENERAL BOUNDARY.

DUBLIN.—From the Point of Intersection of Park Gate Street with a Road running Northerly along the Phoenix Park Wall, along the said Phoenix Park Wall until it meets the Circular Road, and Easterly, along the Circular Road to the West End of the Roman Catholic Chapel of Saint Peter; thence, Northerly, in a straight Line to the West End of Mr. Hay's Mill about Three hundred and Sixty Yards to

to the Westward of Westmoreland Bridge across the Royal Canal; thence in a direct Line across the Royal Canal to its Northern Bank; thence, South-east, along the Northern Bank of the Royal Canal to Jones's Bridge; thence, Northward, along the Road forming the Continuation of Russell Street and Jones's Bridge to its Junction with the Clonliffe Road; thence, South-eastward, along said Clonliffe Road and Ballybough Bridge to the Centre of said Ballybough Bridge; thence, Easterly, along the Centre of the River Tolka to the Centre of Annesley Bridge; thence, South-east, in the Direction of a Point distant perpendicularly Northward Three hundred Yards from the South-east Corner of the Wall extending from Annesley Bridge to the East Wall, to the Point where such Line is intersected by the Prolongation of a Line drawn between Two Points, the one distant Three hundred Yards perpendicularly Eastward from the North-east Corner of the East Wall, the other distant perpendicularly Three hundred Yards Eastward from the South-east Corner of Mr. Halpin's Patent Slip in the Ballast Office Yard; thence, Southward, along the last-mentioned Line and in Continuation thereof until that Line reaches the Mid Channel of the River Liffey; thence, Westward, along the Mid Channel of the River Liffey until the Line thus drawn is intersected by a Line drawn from the Centre of Ringsend Bridge to a Point on the North Wall Two hundred and forty Yards (measured along the said Wall) from its Eastern Termination; thence, Southerly, along the last-mentioned Line to the Centre of Ringsend Bridge; thence, Westward, along the Road to Dublin (being a Continuation of Great Brunswick Street) until it intersects Barrow Street; thence, Southward, along Barrow Street to its Point of Intersection with Grand Canal Street; thence, Westward, along Grand Canal Street to Macquay Bridge; thence, in a Westerly Direction, along the Southern Bank of the Grand Canal to its Point of Intersection with the Branch leading to the City Basin near Griffith Bridge; thence, Northward, in a straight Line to the Turnpike Gate, No. 3., at the South-west Angle of the Circular Road; thence, Northward, along the said Road, through Island Bridge, and over Sarah Bridge across the Liffey, to its Point of Intersection with Conyngham Road; thence, Eastward, along Conyngham Road and Park Gate Street to the Point first described.

To be divided into Fifteen Wards, according to the following Boundaries; and in every such Ward there shall be One Alderman and Three Councillors.

No. 1.—*College Ward.*

From the Centre of Carlisle Bridge, Southward, along Carlisle Bridge, Westmoreland Street, the East Side of College Green and Grafton Street, to the Point of Intersection of said Grafton Street with Nassau Street; thence, South-east, along Nassau Street and Leinster Street to the Point of Intersection of said Leinster Street with Park Street; thence, Eastward, along Park Street and Harcourt Place, to the Point of Intersection
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of said Harcourt Place with Cumberland Street; thence, Northward, along Cumberland Street to its Point of Intersection with Great Brunswick Street; thence, East, along Great Brunswick Street, the Dublin Road, and Ringsend Bridge, to the Borough Boundary; thence, Northward, along the Borough Boundary to the Middle Channel of the River Liffey; thence, West, through the Middle Channel of the River Liffey to the Point first described.

No. 2.—*Merrion Ward.*

From the Point of Intersection of Nassau Street with Dawson Street South, along Dawson Street to the Point of Intersection of said Dawson Street with Saint Stephen's Green North; thence, South-east, along Saint Stephen's Green North and Merrion Row to the Point of Intersection of said Merrion Row with Upper Merrion Street; thence, Northward, along Upper Merrion Street to its Point of Intersection with Merrion Square South; thence, South-east, along Merrion Square South, Upper Mount Street, and Huband Bridge, to the East End of said Huband Bridge; thence, North-east, along the Eastern Bank of the Grand Canal to Macquay Bridge; thence, South-east, along Grand Canal Street to its Point of Intersection with Barrow Street; thence, Northward, along Barrow Street to its Point of Intersection with Great Brunswick Street; thence, Westward, along Great Brunswick Street to its Point of Intersection with Cumberland Street; thence, Southward, along Cumberland Street to its Point of Intersection with Harcourt Place; thence, Westward, along Harcourt Place and Park Street to the Point of Intersection of said Park Street with Leicester Street; thence, North-west, along Leicester Street and Nassau Street to the Point first described.

No. 3.—*St. Stephen's Ward.*

From the Point of Intersection of Mercer Street with King Street South, Southward, along Mercer Street and French Street to the Point of Intersection of said French Street with Cuff Street; thence, Eastward, along Cuff Street to its Point of Intersection with Harcourt Street; thence, Southward, along Harcourt Street to its Point of Intersection with the Circular Road; thence, South-east, along the Circular Road and Eustace Bridge to the South End of said Eustace Bridge; thence, North-east, along the Southern Bank of the Grand Canal to the East End of Huband Bridge; thence, North-west, along Huband Bridge, Upper Mount Street, and Merrion Square South, to the Point of Intersection of said Merrion Square South with Upper Merrion Street; thence, South-west, along Upper Merrion Street to its Point of Intersection with Merrion Row; thence, North-west, along Merrion Row, Stephen's Green North, and King Street South, to the Point first described.

No. 4.—*St. Andrew's Ward.*

From the Centre of Carlisle Bridge, Southward, along Carlisle Bridge, Westmoreland Street, the East Side of College Green, and Grafton Street, to the Point of Intersection of said Grafton Street with Nassau Street; thence, Eastward, along Nassau Street to its Point of Intersection with Dawson Street; thence, Southward, along Dawson Street to its Point of Intersection with Stephen's Green North; thence, North-west, along Stephen's Green North and King Street South to the Point of Intersection of said King Street South with Johnston's Place; thence, North-west, along Johnston's Place and Lower Stephen Street to the Point of Intersection of said Lower Stephen Street with Drury Lane; thence, Northward, along Drury Lane to its Point of Intersection with Fade Street; thence, Westward, along Fade Street to its Point of Intersection with Great George's Street South; thence, Northward, along Great George's Street South to its Point of Intersection with Dame Street; thence, Westward, along Dame Street to its Point of Intersection with Parliament Street; thence, Northward, along Parliament Street and Essex Bridge to the Centre of Essex Bridge; thence, Eastward, through the Middle Channel of the River Liffey to the Point first described.

No. 5.—*Castle Ward.*

From a Point in the Centre of the River Liffey One hundred and sixty Yards Westward from Essex Bridge, Southward, to the Point of Intersection of Fishamble Street with Essex Quay; thence, Southward, along Fishamble Street, Werburgh Street, and Bride Street, to the Point of Intersection of said Bride Street with Bishop Street; thence, Eastward, along Bishop Street to its Point of Intersection with Redmond Hill; thence, Southward, along Redmond Hill to its Point of Intersection with Cuff Street; thence, Eastward, along Cuff Street to its Point of Intersection with French Street; thence, Northward, along French Street and Mercer Street to the Point of Intersection of said Mercer Street with King Street South; thence, North-west, along Johnston's Place and Lower Stephen Street to its Point of Intersection with Drury Lane; thence, Northward, along Drury Lane to its Point of Intersection with Fade Street; thence, Westward, along Fade Street to its Point of Intersection with Great George's Street South; thence, North, along Great George's Street South to its Point of Intersection with Dame Street; thence, Westward, along Dame Street to its Point of Intersection with Parliament Street; thence, Northward, along Parliament Street and Essex Bridge to the Centre of Essex Bridge; thence, Westward, through the Middle Channel of the River Liffey to the Point first described.

No. 6.—*St. Patrick's Ward.*

From a Point in the Centre of the River Liffey One hundred and sixty Yards Westward from Essex Bridge, South, to the Point
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of Intersection of Fishamble Street with Essex Quay; thence, Southward, along Fishamble Street, Werburgh Street, and Bride Street, to the Point of Intersection of said Bride Street with Bishop Street; thence, Eastward, along Bishop Street to its Point of Intersection with Redmond Hill; thence, Southward, along Redmond Hill to its Point of Intersection with Cuff Street; thence, Eastward, along Cuff Street to its Point of Intersection with Harcourt Street; thence, Southward, along Harcourt Street to its Point of Intersection with the Circular Road; thence, South-east, along the Circular Road and Eustace Bridge to the South End of said Eustace Bridge; thence, Westward, along the Southern Bank of the Grand Canal to Clanbrassil Bridge; thence, Northward, along Clanbrassil Bridge, Clanbrassil Street, New Street, Patrick Street, and Nicholas Street, to the Point of Intersection of said Nicholas Street with Back Lane; thence, North-west, along Back Lane to its Point of Intersection with High Street; thence, Eastward, along High Street to its Point of Intersection with School-house Lane; thence, Northward, along School-house Lane and Skipper's Alley to the Point of Intersection of said Skipper's Alley with Merchant's Quay; thence, Northward, in a straight Line to a Point in the Centre of the River Liffey Ninety Yards West of Richmond Bridge; thence, Eastward, through the Middle Channel of the River Liffey to the Point first described.

No. 7.—*St. Audeon's Ward.*

From a Point in the Centre of the River Liffey One hundred and fifty-five Yards Westward from Whitworth Bridge, Southward, to the Point of Intersection of Meeting House Yard with Usher's Quay; thence, Southward, along Meeting House Yard and New Row to the Point of Intersection of said New Row with Thomas Street; thence, Westward, along Thomas Street to its Point of Intersection with Meath Row; thence, Southward, along Meath Row, Meath Street, Brabazon Street, and Brabazon Row, to the Point of Intersection of said Brabazon Row with New Market; thence, Westward, along New Market and Chamber Street to the Point of Intersection of said Chamber Street with Weaver's Square; thence, Southward, along Weaver's Square to its Point of Intersection with Brown Street; thence, Westward, along Brown Street to its Point of Intersection with Love Lane; thence, Southward, along Love Lane and Parnell Bridge to the South End of said Parnell Bridge; thence, Eastward, along the Southern Bank of the Grand Canal to Clanbrassil Bridge; thence, Northward, along Clanbrassil Bridge, Clanbrassil Street, New Street, Patrick Street, and Nicholas Street to the Point of Intersection of said Nicholas Street with Back Lane; thence, North-west, along Back Lane to its Point of Intersection with High Street; thence, Eastward, along High Street to its Point of Intersection with School-house Lane; thence, Northward, along School-house Lane and Skipper's Alley to the Point of Intersection of said Skipper's Alley with Merchant's Quay; thence, Northward,

in a straight Line to a Point in the Centre of the River Liffey Ninety Yards Westward from Richmond Bridge; thence, Westward, through the Middle Channel of the River Liffey to the Point first described.

No. 8.—*St. Catherine's Ward.*

From the Point in the Centre of the River Liffey One hundred and fifty-five Yards Westward from Whitworth Bridge, Southward, to the Point of Intersection of Meeting House Yard with Usher's Quay; thence, Southward, along Meeting House Yard and New Row to the Point of Intersection of said New Row with Thomas Street; thence, Westward, along Thomas Street to its Point of Intersection with Meath Row; thence, Southward, along Meath Row, Meath Street, Brabazon Street, and Brabazon Row, to the Point of Intersection of said Brabazon Row with New Market; thence, Westward, along New Market and Chamber Street to the Point of Intersection of said Chamber Street with Weaver's Square; thence, Southward, along Weaver's Square to its Point of Intersection with Brown Street; thence, Westward, along Brown Street to its Point of Intersection with Love Lane; thence, Southward, along Love Lane and Parnell Bridge to the South End of Parnell Bridge; thence, North-west, along the Southern Bank of the Grand Canal to its Point of Intersection with the Branch leading to the City Basin near Griffith Bridge; thence, East, along the Middle Channel of said Branch of the Grand Canal to a Point opposite Forbes Lane; thence, Eastward, along Forbes Lane to its Point of Intersection with Marrowbone Lane; thence, North-east, along Marrowbone Lane, Thomas Court, Bridgefoot Street, and Queen's Bridge, to the Centre of Queen's Bridge; thence, Eastward, through the Middle Channel of the River Liffey to the Point first described.

No. 9.—*St. James's Ward.*

From the Centre of Sarah Bridge, Southward, along Sarah Bridge, through Island Bridge, and along the Circular Road, to the Turnpike Gate, No. 3, on the South-west Corner of the Circular Road; thence, Southward, in a straight Line to the Point of Intersection of the Grand Canal with the Branch leading to the City Basin near Griffith Bridge; thence, East, along the Middle Channel of said Branch of the Grand Canal to a Point opposite Forbes Lane; thence, East, along Forbes Lane to its Point of Intersection with Marrowbone Lane; thence, North-east, along Marrowbone Lane to its Point of Intersection with Thomas Court; thence, Northward, along Thomas Court, Bridgefoot Street, and Queen's Bridge, to the Centre of Queen's Bridge; thence, Westward, through the Centre of the River Liffey to the Point first described.

No. 10.—*St. Paul's Ward.*

From the Centre of Sarah Bridge, in a Northerly Direction, along the Borough Boundary to its Intersection with the Bradogue Water to the North-west Angle of the Richmond Penitentiary; thence, Southward, along the West Front of the Richmond Penitentiary to the South-west Angle of the said Penitentiary; thence, Southward, along Grange Gorman Lane and George's Lane to the Point of Intersection of said George's Lane with King Street North; thence, Eastward, along King Street North to its Point of Intersection with Smithfield; thence, Southward, along Smithfield and Arran Street East, across Arran Quay, to a Point in the Centre of the River Liffey; thence, Westward, along the Middle of the Channel of the River Liffey to the Point first described.

No. 11.—*Four Courts Ward.*

From the Point of Intersection of the West Branch of the Royal Canal leading from the Royal Canal Harbour with the Borough Boundary, Northward, along the Borough Boundary to its Point of Intersection with the Bradogue Water on the Circular Road; thence, Southward, along the Bradogue Water to North-west Angle of the Richmond Penitentiary; thence, South, along the West Front of the Richmond Penitentiary to the South-west Angle of the said Penitentiary; thence, South, along Grange Gorman Lane and George's Lane to the Point of Intersection of said George's Lane with King Street North; thence, Eastward, along King Street North to its Point of Intersection with Smithfield; thence, Southward, along Smithfield and Arran Street East, across Arran Quay, to a Point in the Centre of the River Liffey; thence, Eastward, along the Middle Channel of the River Liffey to a Point opposite Chancery Place; thence, Northward, along Chancery Place, Mountrath Street, Greek Street, and Beresford Street, to its Point of Intersection with King Street North; thence, Eastward, along King Street North to its Point of Intersection with Coleraine Street; thence, Northward, along Coleraine Street and Constitution Hill to a Point in the Centre of the Foster Aqueduct; and thence, Northward, along the said Branch of the Royal Canal to the Point first described.

No. 12.—*Linen Hall Ward.*

From that Point in the Centre of the River Liffey which is opposite to Swift's Row, Northward, across Ormond Quay to the Centre of the South End of Swift's Row; thence, Northward, along Swift's Row and Jervis Street to its Point of Intersection with Great Britain Street; thence, Eastward, along Great Britain Street to its Point of Intersection with Granby Row; thence, Northward, along Granby Row, Rutland Square West, and Granby Row, to its Point of Intersection with Upper Dorset Street; thence, North-east, along Upper Dorset Street to

to its Point of Intersection with Blessington Street; thence, along Blessington Street, and in a straight Line across the Royal Canal Reservoir, to a Point in the Centre of the West Branch of the Royal Canal; thence, Southward, along the same to the Centre of Foster Aqueduct; thence, Southward, along Constitution Hill and Coleraine Street to its Point of Intersection with North King Street; thence, Westward, along North King Street to its Point of Intersection with Beresford Street; thence, Southward, along Beresford Street, Greek Street, Mount-rath Street, and Chancery Place, across the Quay, to a Point in the Centre of the River Liffey; thence, Eastward, along the Middle Channel of the River Liffey to the Point first described.

No. 13.—*St. George's Ward.*

From the Point of Intersection of the West Branch of the Royal Canal leading from the Royal Canal Harbour with the Borough Boundary, South-east, along the Borough Boundary to Ballybough Bridge; thence, South-west, along Spring Garden Parade, Foster Street, Edward Terrace, Clarke Bridge, Summer Hill Parade, Summer Hill, and Great Britain Street, to the Point of Intersection of said Great Britain Street with Granby Row; thence, Northward, along Granby Row, Rutland Square West, and Granby Row, to its Point of Intersection with Upper Dorset Street; thence, North-east, along Upper Dorset Street to its Point of Intersection with Blessington Street; thence along Blessington Street and in a straight Line across the Royal Canal Reservoir to a Point in the Centre of the said West Branch of the Royal Canal; and thence, North-east, along the same to the Point first described.

No. 14.—*Post Office Ward.*

From that Point in the Centre of the River Liffey which is opposite Swift's Row, Northward, across Ormond Quay to the Centre of the South End of Swift's Row; thence, Northward, along Swift's Row and Jervis Street until it intersects Great Britain Street; thence, Eastward, along Great Britain Street until it is intersected by Marlborough Street; thence, Southward, along Marlborough Street, across Eden Quay, to the Centre of the River Liffey; thence, Westward, along the Centre of the River to the Point first described.

No. 15.—*Custom House Ward.*

From that Point in the Centre of the River Liffey which is opposite Marlborough Street; thence, Northward, across Eden Quay, to the Centre of the South End of Marlborough Street; thence, Northward, along Marlborough Street until it intersects Great Britain Street; thence, Eastward, along Great Britain Street, Summer Hill, and Summer Hill Parade; thence, Northward,
until

until it intersects the Borough Boundary at Ballybough Bridge; thence along the said Boundary until it joins the River Liffey, and in the same Direction to the Centre of the said River; thence, Westward, to the Point first described.

7.—KILKENNY.

GENERAL BOUNDARY.

KILKENNY.—From the Point South-west of the City where the Brega River crosses the Road to Clonmel, following the Course of the River, Northerly, to the Point where the River makes a sudden Turn to the Eastward, and where the Mill Stream, from a ruined Factory West of the River, meets the River Brega; thence in a straight Line to the Point on the Bonnetstown Road where a By-road leading to Lousy Bush leaves the Bonnetstown Road; thence in a straight Line to the Point at the South End of Farmhouse on the Western Road to Freshford, belonging to Mr. Purcell, and occupied by Michael Mc'Donell; thence in a straight Line across the main Road to Freshford, and across the River Nore to the Point where the Road to Ballyragget along the River leaves the old Road to Castlecomer, and just North of the Police Station at Mount Brilliant; thence, following the old Road to Castlecomer, to the Point where it joins the new Road leading from the Barracks at a new House belonging to Mr. Nowlan; thence in a straight Line to the Point at the North-east Corner of the Barrack Enclosure, and following the Back or Eastern Wall of the Barracks to the South-eastern Corner thereof on the Road to John's Well at the Point; thence in a straight Line across the Clara Road and across William's Lane to a remarkable Building on a Hill East of the City belonging to Mr. Purcell, called the Gazebo; thence in a straight Line across the River Nore to the Point at the South-eastern Corner of Mr. Scott's Garden on the Road to Bennett's Bridge; thence, following the Southern Enclosure of the said Garden, and of the adjoining Garden of Switzer's Asylum, to the Point where it meets a Lane leading from the Bennett's Bridge Road to the Waterford Road; thence following the said Lane to the Point where it joins the Waterford Road; thence in a straight Line to the Point at the South-western Corner of the Enclosure of the House of Correction; thence, following the Western Side of the Enclosure Wall, to the Point where, if produced, it would meet the Road to Kells; thence, Westerly, along the Road to Kells to the Point where a Quarry on the North Side of the Road joins the said Road, and about One hundred Yards from the Point; thence, turning Northerly, along a Stone Wall about Ninety Yards to the Point where the said Stone Wall meets a Lane called Waters's Lane, leading from Upper Patrick Street towards Mr. Robertson's House called "Rose Hill;" thence

along the said Lane, Westerly, to the Point where it crosses the River Brega, South of Rose Hill; thence along the Brega to the Point first described.

To be divided into Two Wards, according to the following Boundaries; and in every such Ward there shall be Three Aldermen and Nine Councillors.

No. 1.—*St. Canice's Ward.*

All that Portion of the Borough situated Westward of the following Line; videlicet, from the Point where the Road from Waterford intersects the Municipal Boundary, along that Road, to the Point where it joins Upper Patrick Street; thence along Upper Patrick Street, Patrick Street, Rose Inn Street, to its Point of meeting with King Street or Back Lane, Coal Market, Watergate, Bull Alley, Vicar's Street, Bishop's Hill; and thence along the main Road to Freshford to the Point where the Road intersects the Municipal Boundary.

No. 2.—*St. John's Ward.*

All that Portion of the Borough situated Eastward of the Line described in Saint Canice's Ward.

8.—LIMERICK.

GENERAL BOUNDARY.

LIMERICK.—From the Point at the North of King's Island where the Salmon Weir River flows from the Shannon; thence along the Course of the Shannon to the North-east; and thence, Southward, to the Point at which the same is joined by the Head of the Canal; thence Westward, along the Canal to the Centre of Park Bridge, which crosses the Canal; thence in a straight Line to the Centre of the Cupola upon the Top of the Lunatic Asylum; thence, in a straight Line and South-westerly Direction, to the Point in the Roxborough Road where it is met by Wilmont Lane; thence along Wilmont Lane to the West Pier of a Gate belonging to Mr. Maloney on North Side of said Lane, and nearly opposite to Wilmot Villa; thence, in a straight Line and North-westerly Direction, across Mr. Maloney's Field and Two other Fields, till it reaches the Extremity of a small Lane; thence, continuing along said Lane, past the Limestone Quarry of William Hargan, until it reaches Bohirboy Road; thence, Westerly, along Bohirboy Road till it reaches Hore's Street; thence, North-westerly, along Hore's Street to the South Circular Road; thence, North-easterly, about Twenty-three Yards along the Circular Road to where Court Brack Avenue leads off North-westerly; thence,
 4 North-

North-westerly, along Court Brack Avenue till it reaches Harvey's Quay situated at the End of the said Avenue; thence in a straight Line across the Shannon to Barrington's Quay upon the Clare Side near the old Ruins of Kilrush Church; thence, about Two hundred Yards, North-easterly, along Barrington's Quay, to the North Circular Road; thence, North-westerly, and following the Direction of the Circular Road to where it meets the Shelbourne and Farrenshoven Roads; thence along the Farrenshoven Road to where it crosses the new Ennis Mail Road at nearly Half a Mile from Wellesley Bridge; thence continuing about One hundred Yards up the Farrenshoven Road to where there is a Cottage at a Turn in the Road; thence in a straight Line to the Point where the Killaloe Road meets the old North Ennis Road; thence along the Killaloe Road to the Point where it meets the Black Stick Road; thence in a straight Line to the Point first described.

To be divided into Five Wards, according to the following Boundaries; and in every such Ward there shall be Two Aldermen and Six Councillors.

No. 1.—*Thomond Bridge Ward.*

From the Point of Barrington Quay, along the Municipal Boundary, to the Point at which the Head of the Canal joins the Shannon; thence, Westward, along the Canal by Park Bridge, through Ball's Bridge, till it reaches the Shannon; thence, South-westerly, along the Shannon to the Point first described.

No. 2.—*John Street Ward.*

From the Commencement of the Canal in the Salmon Weir River to the Centre of the Park Bridge which crosses the Canal; thence in a straight Line to the Centre of the Cupola of the Lunatic Asylum; thence in a straight Line to the Point where the Wilmont Road meets the Roxborough Road; thence, Northerly, along the Roxborough Road, Upper William Street, High Street, Mungret Street, Broad Street, to the Centre of Ball's Bridge; thence to the Point first described.

No. 3.—*Patrick Street Ward.*

From the Shannon by a straight Line along Spraight's Quay and Horan's Quay, and thence through Denmark Street and the new Street leading from Denmark Street to High Street; thence, Eastward, through High Street, Margaret Street, Mungret Street, Broad Street, to the Centre of Ball's Bridge; thence along the Stream passing under New Bridge to the Shannon, and along its Course, Southward, to the Point first described.

No. 4.—*William Street Ward.*

From the Shannon, along the Southern Extrémity of Patrick Street Ward, to High Street; thence, Southward, along the Boundary

No. 4.—St. Andrew's Ward.

From the Centre of Carlisle Bridge, Southward, along Carlisle Bridge, Westmoreland Street, the East Side of College Green, and Grafton Street, to the Point of Intersection of said Grafton Street with Nassau Street; thence, Eastward, along Nassau Street to its Point of Intersection with Dawson Street; thence, Southward, along Dawson Street to its Point of Intersection with Stephen's Green North; thence, North-west, along Stephen's Green North and King Street South to the Point of Intersection of said King Street South with Johnston's Place; thence, North-west, along Johnston's Place and Lower Stephen Street to the Point of Intersection of said Lower Stephen Street with Drury Lane; thence, Northward, along Drury Lane to its Point of Intersection with Fade Street; thence, Westward, along Fade Street to its Point of Intersection with Great George's Street South; thence, Northward, along Great George's Street South to its Point of Intersection with Dame Street; thence, Westward, along Dame Street to its Point of Intersection with Parliament Street; thence, Northward, along Parliament Street and Essex Bridge to the Centre of Essex Bridge; thence, Eastward, through the Middle Channel of the River Liffey to the Point first described.

No. 5.—Castle Ward.

From a Point in the Centre of the River Liffey One hundred and sixty Yards Westward from Essex Bridge, Southward, to the Point of Intersection of Fishamble Street with Essex Quay; thence, Southward, along Fishamble Street, Werburgh Street, and Bride Street, to the Point of Intersection of said Bride Street with Bishop Street; thence, Eastward, along Bishop Street to its Point of Intersection with Redmond Hill; thence, Southward, along Redmond Hill to its Point of Intersection with Cuff Street; thence, Eastward, along Cuff Street to its Point of Intersection with French Street; thence, Northward, along French Street and Mercer Street to the Point of Intersection of said Mercer Street with King Street South; thence, North-west, along Johnston's Place and Lower Stephen Street to its Point of Intersection with Drury Lane; thence, Northward, along Drury Lane to its Point of Intersection with Fade Street; thence, Westward, along Fade Street to its Point of Intersection with Great George's Street South; thence, North, along Great George's Street South to its Point of Intersection with Dame Street; thence, Westward, along Dame Street to its Point of Intersection with Parliament Street; thence, Northward, along Parliament Street and Essex Bridge to the Centre of Essex Bridge; thence, Westward, through the Middle Channel of the River Liffey to the Point first described.

No. 6.—St. Patrick's Ward.

From a Point in the Centre of the River Liffey One hundred and sixty Yards Westward from Essex Bridge, South, to the Point
of

of Intersection of Fishamble Street with Essex Quay; thence, Southward, along Fishamble Street, Werburgh Street, and Bride Street, to the Point of Intersection of said Bride Street with Bishop Street; thence, Eastward, along Bishop Street to its Point of Intersection with Redmond Hill; thence, Southward, along Redmond Hill to its Point of Intersection with Cuff Street; thence, Eastward, along Cuff Street to its Point of Intersection with Harcourt Street; thence, Southward, along Harcourt Street to its Point of Intersection with the Circular Road; thence, South-east, along the Circular Road and Eustace Bridge to the South End of said Eustace Bridge; thence, Westward, along the Southern Bank of the Grand Canal to Clanbrassil Bridge; thence, Northward, along Clanbrassil Bridge, Clanbrassil Street, New Street, Patrick Street, and Nicholas Street, to the Point of Intersection of said Nicholas Street with Back Lane; thence, North-west, along Back Lane to its Point of Intersection with High Street; thence, Eastward, along High Street to its Point of Intersection with School-house Lane; thence, Northward, along School-house Lane and Skipper's Alley to the Point of Intersection of said Skipper's Alley with Merchant's Quay; thence, Northward, in a straight Line to a Point in the Centre of the River Liffey Ninety Yards West of Richmond Bridge; thence, Eastward, through the Middle Channel of the River Liffey to the Point first described.

No. 7.—*St. Audeon's Ward.*

From a Point in the Centre of the River Liffey One hundred and fifty-five Yards Westward from Whitworth Bridge, Southward, to the Point of Intersection of Meeting House Yard with Usher's Quay; thence, Southward, along Meeting House Yard and New Row to the Point of Intersection of said New Row with Thomas Street; thence, Westward, along Thomas Street to its Point of Intersection with Meath Row; thence, Southward, along Meath Row, Meath Street, Brabazon Street, and Brabazon Row, to the Point of Intersection of said Brabazon Row with New Market; thence, Westward, along New Market and Chamber Street to the Point of Intersection of said Chamber Street with Weaver's Square; thence, Southward, along Weaver's Square to its Point of Intersection with Brown Street; thence, Westward, along Brown Street to its Point of Intersection with Love Lane; thence, Southward, along Love Lane and Parnell Bridge to the South End of said Parnell Bridge; thence, Eastward, along the Southern Bank of the Grand Canal to Clanbrassil Bridge; thence, Northward, along Clanbrassil Bridge, Clanbrassil Street, New Street, Patrick Street, and Nicholas Street to the Point of Intersection of said Nicholas Street with Back Lane; thence, North-west, along Back Lane to its Point of Intersection with High Street; thence, Eastward, along High Street to its Point of Intersection with School-house Lane; thence, Northward, along School-house Lane and Skipper's Alley to the Point of Intersection of said Skipper's Alley with Merchant's Quay; thence, Northward,

in

in a straight Line to a Point in the Centre of the River Liffey Ninety Yards Westward from Richmond Bridge; thence, Westward, through the Middle Channel of the River Liffey to the Point first described.

No. 8.—*St. Catherine's Ward.*

From the Point in the Centre of the River Liffey One hundred and fifty-five Yards Westward from Whitworth Bridge, Southward, to the Point of Intersection of Meeting House Yard with Usher's Quay; thence, Southward, along Meeting House Yard and New Row to the Point of Intersection of said New Row with Thomas Street; thence, Westward, along Thomas Street to its Point of Intersection with Meath Row; thence, Southward, along Meath Row, Meath Street, Brabazon Street, and Brabazon Row, to the Point of Intersection of said Brabazon Row with New Market; thence, Westward, along New Market and Chamber Street to the Point of Intersection of said Chamber Street with Weaver's Square; thence, Southward, along Weaver's Square to its Point of Intersection with Brown Street; thence, Westward, along Brown Street to its Point of Intersection with Love Lane; thence, Southward, along Love Lane and Parnell Bridge to the South End of Parnell Bridge; thence, North-west, along the Southern Bank of the Grand Canal to its Point of Intersection with the Branch leading to the City Basin near Griffith Bridge; thence, East, along the Middle Channel of said Branch of the Grand Canal to a Point opposite Forbes Lane; thence, Eastward, along Forbes Lane to its Point of Intersection with Marrowbone Lane; thence, North-east, along Marrowbone Lane, Thomas Court, Bridgefoot Street, and Queen's Bridge, to the Centre of Queen's Bridge; thence, Eastward, through the Middle Channel of the River Liffey to the Point first described.

No. 9.—*St. James's Ward.*

From the Centre of Sarah Bridge, Southward, along Sarah Bridge, through Island Bridge, and along the Circular Road, to the Turnpike Gate, No. 3, on the South-west Corner of the Circular Road; thence, Southward, in a straight Line to the Point of Intersection of the Grand Canal with the Branch leading to the City Basin near Griffith Bridge; thence, East, along the Middle Channel of said Branch of the Grand Canal to a Point opposite Forbes Lane; thence, East, along Forbes Lane to its Point of Intersection with Marrowbone Lane; thence, North-east, along Marrowbone Lane to its Point of Intersection with Thomas Court; thence, Northward, along Thomas Court, Bridgefoot Street, and Queen's Bridge, to the Centre of Queen's Bridge; thence, Westward, through the Centre of the River Liffey to the Point first described.

No. 10.—St. Paul's Ward.

From the Centre of Sarah Bridge, in a Northerly Direction, along the Borough Boundary to its Intersection with the Bradogue Water to the North-west Angle of the Richmond Penitentiary; thence, Southward, along the West Front of the Richmond Penitentiary to the South-west Angle of the said Penitentiary; thence, Southward, along Grange Gorman Lane and George's Lane to the Point of Intersection of said George's Lane with King Street North; thence, Eastward, along King Street North to its Point of Intersection with Smithfield; thence, Southward, along Smithfield and Arran Street East, across Arran Quay, to a Point in the Centre of the River Liffey; thence, Westward, along the Middle of the Channel of the River Liffey to the Point first described.

No. 11.—Four Courts Ward.

From the Point of Intersection of the West Branch of the Royal Canal leading from the Royal Canal Harbour with the Borough Boundary, Northward, along the Borough Boundary to its Point of Intersection with the Bradogue Water on the Circular Road; thence, Southward, along the Bradogue Water to North-west Angle of the Richmond Penitentiary; thence, South, along the West Front of the Richmond Penitentiary to the South-west Angle of the said Penitentiary; thence, South, along Grange Gorman Lane and George's Lane to the Point of Intersection of said George's Lane with King Street North; thence, Eastward, along King Street North to its Point of Intersection with Smithfield; thence, Southward, along Smithfield and Arran Street East, across Arran Quay, to a Point in the Centre of the River Liffey; thence, Eastward, along the Middle Channel of the River Liffey to a Point opposite Chancery Place; thence, Northward, along Chancery Place, Mountrath Street, Greek Street, and Beresford Street, to its Point of Intersection with King Street North; thence, Eastward, along King Street North to its Point of Intersection with Coleraine Street; thence, Northward, along Coleraine Street and Constitution Hill to a Point in the Centre of the Foster Aqueduct; and thence, Northward, along the said Branch of the Royal Canal to the Point first described.

No. 12.—Linen Hall Ward.

From that Point in the Centre of the River Liffey which is opposite to Swift's Row, Northward, across Ormond Quay to the Centre of the South End of Swift's Row; thence, Northward, along Swift's Row and Jervis Street to its Point of Intersection with Great Britain Street; thence, Eastward, along Great Britain Street to its Point of Intersection with Granby Row; thence, Northward, along Granby Row, Rutland Square West, and Granby Row, to its Point of Intersection with Upper Dorset Street; thence, North-east, along Upper Dorset Street
to

No. 3.—*Western Ward.*

From the Point at which the Boyle Mail Coach Road cuts the Municipal Boundary, along such Road, Pound Street, High Street, Market Street, Radcliffe Street, Knox's Street, Wine Street, and the Road which forms the Boundary between the Townlands of Rathedmond and Knappaghbeg, to the Point at which such Road meets the Municipal Boundary; thence, Southward, along the Municipal Boundary to the Point first described.

11.—WATERFORD.

GENERAL BOUNDARY.**WATERFORD.**

From the Point on the North-west Extremity of the Town where the Yard Wall of the Brewery of Messieurs Davis, Strangman, and Company joins the River Suir, in a straight Line to the Point where Summer Hill, Gallows Road, and Morgan's Street meet; thence along the Military Road, Morrisson's Road, Barrack Street, Manor Hill, College Street, Bath Street, across John's Pill at Wyse's Bridge, along Poleberry Street, to near the South Corner of Mr. Deleander's House; thence in a straight Line to where the John's Town Road and Upper Newtown Road meet; thence along the Upper Newtown Road towards East Passage to the Centre of the Road in front of the Orphan House; thence in a straight Line across the River to the Roman Catholic Chapel in the Abbey Church Lands; thence in a straight Line to Mr. Charles Gatson's Cottage on the Side of Mount Misery; thence across the River to the Point first described.

To be divided into Five Wards, according to the following Boundaries; and in every such Ward there shall be Two Aldermen and Six Councillors.

No. 1.—*Tower Ward.*

From the Point at which the River Suir meets Henrietta Street, along Henrietta Street, to the Point at which the same meets the open Space in front of Christ Church; thence in a straight Line to Colebeck Street, along Colebeck Street; thence through Beresford Street to John's Street; thence through a Part of John's Street to John's Bridge; thence along the Centre of John's Pill to Wyse's Bridge; thence along the Municipal Boundary, Eastward, to the River Bank, and along the Course of the River to the Point first described.

No. 2.—*Custom House Ward.*

From the Point at which the River Suir meets Henrietta Street, along the Boundary of Tower Ward until it meets John's Street; thence, to the North, through Part of John's Street, Michael Street, Broad Street, and Barron Strand Street, to the River; and thence along its Course to the Point first described.

No. 3.—*Centre Ward.*

From the Quay opposite Baron Strand Street, along the Boundary of Custom House Ward, to where Patrick's Street crosses it; along Patrick's Street, Westwards, to Ballybricken; along the West Wall of the County Gaol, across Barker Street, along Henry Street and Hanover Street, to the River; and thence to the Point first described.

No. 4.—*West Ward.*

From the Quay opposite Hanover Street, along the Boundary of Centre Ward, to where it meets Ballybricken; thence, Westwards, along Ballybricken and Morgan Street, to the Point on the Municipal Boundary where Summer Hill, Gallows Road, and Morgan Street meet; thence along the Municipal Boundary across the River. This Ward to include also the whole Space comprehended within the Parliamentary Boundary on the North Side of the River Suir.

No. 5.—*South Ward.*

From the Point in the Municipal Boundary where Summer Hill, Gallows Road, and Morgan Street meet, along the Boundary of West Ward, through Morgan Street, Ballybricken, and Patrick's Street, to the Boundary of Custom House Ward; along that Boundary to the Point where it meets the Boundary of Tower Ward; along the Boundary of Tower Ward to Wyse's Bridge; and thence along the Municipal Boundary to the Point first described.

SCHEDULE (D.)

No. 1.

The LIST of BURGESSES of the Borough of [or in the Parish,
or Precinct, or Ward of in the Borough of .]

Christian Name and Surname of each Person at full Length.	Street, Lane, or other Place in this Borough [or Parish, Precinct, or Ward in this Borough] where the Property in respect whereof the Party is to be enrolled is situate.
Andrews, Peter - - -	No. 1, Green Street.
Brady, Thomas - - -	No. 3, White's Lane.

Dated the Day of in the Year .

(Signed) A. B.
Churchwarden of the said Parish [or Town Clerk of
the said Borough, or Alderman of the said Ward, &c.]

No. 2.

NOTICE OF CLAIM.

To the Town Clerk of the Borough of .

I HEREBY give you notice, That I claim to have my Name enrolled in
the Burgess Roll of the Borough of , and that I occupy [here
describe the House, Warehouse, Counting-house, Office, or Shop then occupied by
the Claimant,] in the said Borough, which are rated as being of the net
annual Value of Pounds or upwards; and that I have occupied the
said Premises [or the said Premises or other Premises, describing such other
Premises, within the said Borough,] for the Space of last past.

Dated the Day of in the Year
(Signed) HENRY STILES.

No. 3.

NOTICE OF OBJECTION.

To the Town Clerk of the Borough of .

I HEREBY give you Notice, That I object to the Name of Thomas Brady
of White's Lane in this Borough [describe the Person objected to as described
in

in the List of the Churchwardens, Town Clerk, or Alderman of the Ward, &c.]

being retained on the Burgess Roll of the Borough of .

Dated the Day of in the Year .

(Signed) **MICHAEL MEARES** of [*here state the Place of Abode and Property in respect of which he is said to be entitled to be enrolled in the List of the Churchwardens, Town Clerk, or Alderman of the Ward, &c.]*

No. 4.

LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted on the Burgess Roll of the Borough of .

Christian Name and Surname of each Claimant.	Present Occupancy.	Former Occupancy, as stated in the Claim.
Henry Stiles -	House, No. 10, Capel Street.	Shop, No. 17, Henry Street, during the last Month, previous to the 31st of August, and House No. 6, Aston's Quay, during the Eleven preceding Months.

Dated the Day of in the Year
(Signed) *A.B.*, Town Clerk. .

No. 5.

LIST OF PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have their Names retained on the Burgess Roll of the Borough of .

Christian Name and Surname of each Person objected to.	Property in respect of which he is said to be entitled to be enrolled in the List of the Churchwardens, Town Clerk, or Alderman of the Ward, &c.
Thomas Brady - -	No. 3, White's Lane.

Dated the Day of in the Year
(Signed) *A.B.*, Town Clerk. .

No. 6.

LIST of PERSONS subject to the Payment of [*here insert Poor Rate, Grand Jury Cess, Borough Rate, &c. as the Case may require,*] within the Limits of the Borough of [*here insert the Name of the Borough,*] and within the Collection of the undersigned Collector.

Name of Occupier.	Description of Property rated or assessed.	Name or Situation of the Property.	Amount of Poor Rate, Cess, or Tax, (as the Case may be,) charged thereon.	To what Time paid up.

(Signed) *C.D. Collector.*

SCHEDULE (E.)

No. 1.

FORM of PROCESS of ATTACHMENT of GOODS in COURT of RECORD.

Borough of L.
to wit.
A.B. of, &c., in, &c., [Name,
Residence, and Addition of
Plaintiff.] Plaintiff.
C.D. of, &c., in, &c. [Name,
Residence, and Addition of
Defendant.] Defendant.

ATTACH the Defendant by his Goods and Chattels, if
found within the Jurisdiction of this Court, so that
he be before the Recorder of the said Borough
at _____ on _____ day the
_____ Day of _____ next after the Date hereof, to
answer the Plaintiff's Suit in an Action for the
Sum of [here insert the Amount of the Demand],
for [here insert the Cause of Action]; and have you then there this Writ.

Dated this _____ Day of _____ One thousand eight hundred _____.
G.H., Registrar.

To

No. 2.

FORM of SUMMONS in COURT of CONSCIENCE.

Borough of L. to wit.
A.B. of, &c., in, &c., [Name, Residence, and Addition of Plaintiff.]
 Plaintiff.
C.D. of, &c., in, &c., [Name, Residence, and Addition of Defendant.]
 Defendant.

By the President of the Court of Conscience for the said Borough. The Defendant is hereby required personally to appear before the said President at on day the Day of next after the Date hereof, to answer the Plaintiff's Suit for the Sum of [here insert the *insert the Amount of the Debt*], for [here insert the *Particulars of the Demand*]. On default thereof the said President will proceed as to Justice shall appertain.

Dated this Day of One thousand eight hundred
 Signed on behalf of the Plaintiff, }

SCHEDULE (G.)

BOROUGHs named in the said Schedule (B.) in which the Body Corporate appears, from the Report of the Irish Corporation Commissioners presented to His late Majesty King William the Fourth in the Year One thousand eight hundred and thirty-five, to be seised or possessed of or entitled to any Property consisting of any Real Estate, or of any Personal Estate, exceeding in annual Amount or Value the Sum of One hundred Pounds.

Ardee.	Cashel.	Naas.	Tuam.
Athlone.	Cloghnakilty.	New Ross.	Wexford.
Athy.	Coleraine.	Strabane.	Wicklow.
Carlow.	Kells.	Tralee.	Youghal.
Carrickfergus.	Kinsale.	Trim.	

SCHEDULE (H.)

BOROUGHs named in the said Schedule (B.) in which the Body Corporate does not appear from the said Report to be seised or possessed of or entitled to Property exceeding in annual Amount or Value the Sum of One hundred Pounds.

Armagh.	Dingle.	Enniskillen.	Maryborough.
Bandon.	Dundalk.	Fethard.	Monaghan.
Boyle.	Dungannon.	Gorey.	Navan.
Callan.	Ennis.	Longford.	Portarlinton.
Charleville.	Enniscorthy.		

SCHEDULE (I.)

Borough.	Style of Corporate Body.
ARDFERT - -	Portreeve, Burgesses, and Freemen of the Borough of Ardfert in the County of Kerry.
ATHENRY - -	Portreeve, Burgesses, and Freemen of the Corporation of the Town and Liberties of Athenry.
BALTINGLASS -	Sovereign, Burgesses, and Free Commons of the Borough of Baltinglass.
BANGOR - -	The Provost, Free Burgesses, and Commonalty of the Borough of Bangor.
BELTURBET - -	The Provost, Free Burgesses, and Commonalty of the Town of Beltrubet in the County of Cavan.
CARLINGFORD -	The Sovereign, Burgesses, and Commonalty of the Borough of Carlingford.
CASTLEMARTYR -	The Portreeve, Bailiffs, and Burgesses of the Borough and Town of Castlemartyr.
CAVAN - -	The Sovereign, Portreeves, Burgesses, and Freemen of the Town and Borough of Cavan.
CHARLEMONT -	The Portreeve, Free Burgesses, and Commonalty of the Borough of Charlemont.
DULEEK - -	Portreeve, Burgesses, and Commons of the Town of Duleek.
HILLSBOROUGH -	The Sovereign, Burgesses, and Free Commons of the Borough and Town of Hillsborough.
MISTIOGE - -	Portreeve, Chief Burgesses, and Freemen of the Town and Borough of Mistioge.
KILBEGGAN - -	Portreeve, Free Burgesses, and Commonalty of the Borough of Kilbeggan.
KILDARE - -	The Sovereign, Portreeve, Burgesses, and Freemen of the Borough of Kildare.
KILLILEAGH -	The Provost, Free Burgesses, and Commonalty of the Borough of Killileagh.
KILMALLOCK -	The Sovereign and Burgesses of the Town of Kilmallock.
LIFFORD - -	The Warden, Freemen Burgesses, and Commonalty of the Borough of Liffer.
NEWTOWNARDS -	The Provost, Free Burgesses, and Commonalty of the Borough of Newtowne.
MIDDLETON -	The Sovereign, Bailiffs, Burgesses, and Commonalty of the Borough of Middleton.
THOMASTOWN -	The Sovereign, Provost, and Burgesses of the Town of Thomastown.

CAP. CIX.

An Act to annex certain Parts of certain Counties of Cities to adjoining Counties; to make further Provision for Compensation of Officers in Boroughs; to limit the Borough Rate; and to continue for a limited Time an Act to restrain the Alienation of Corporate Property, in *Ireland*. [10th August 1840.]

576 6c 77, 96
807 6c 32, 71
814 6c 121.
cont'd by 11412 6c 6

‘ WHEREAS by an Act passed in the present Session of Parliament, intituled *An Act for the Regulation of Municipal Corporations in Ireland*, it is enacted, that the Boundaries of the several Boroughs named in the Schedule (A.) to that Act annexed shall, for the Purposes of that Act, be taken to be according to the Description of such Boundaries set forth in Schedule (C.) to that Act annexed: And whereas certain Parts of the Counties of the Cities of *Cork, Dublin, Kilkenny, Limerick, and Waterford*, and of the County of the Town of *Drogheda*, are not under that Act included within the said Boundaries, and are not by the said Act, for any Purposes other than the Purposes of the said Act, annexed to any County or Counties at large;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, for the Purposes of the said recited Act and of this Act, all Places locally situate or included within the Boundaries of any of the said Boroughs, or of any Ward thereof, as defined under the said Act, shall, from and after the Time when this Act shall come into operation as herein-after mentioned, be deemed and taken to be Part or Parts of the County of the City or County of the Town of such Borough respectively, or of such Ward thereof respectively, and of no other County; and every Portion, Place, or Precinct of every County of a City or County of a Town, not under the said Act and this included within any such Borough, shall, until Provision in that Behalf shall be otherwise made under and by virtue of this Act, be One Barony in itself, and shall, for all Purposes of Grand Jury Presentments and of Criminal Jurisdiction, and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, be Part of the County at large which is adjacent to it, or with which it has the largest common Boundary: Provided always, that nothing in this Act contained shall alter or affect any City or County of a City, Town or County of a Town, or Borough, or the Boundaries thereof, for any Purposes of Parliamentary Representation, or for any Purpose relating thereunto; and that where it is or shall be necessary, for any Purpose of such Representation, to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within a

3 & 4 Vict. c. 108.

Defining what Places only shall be included within the Boundaries of certain Boroughs for the Purposes of the recited Act and this Act.

Not to affect the Parliamentary Boundaries.

City

Provision for
Valuation under
6 & 7 W. 4. c. 84.

of the Treasurer of such County shall be made with respect to those Places to which such Valuations or Proportions shall relate: Provided always, that in every Case in which any Valuation made or to be made by virtue of an Act passed in the Sessions of Parliament holden in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Land and Tenements in Ireland, and to incorporate certain detached Portions of Counties and Baronies with those Counties and Baronies respectively whereto the same may adjoin, or wherein the same are locally situate*, or by virtue of any other Act or Acts of Parliament, shall, under the Provisions of such Act or Acts, be or have been in force and applicable to any such Barony, Place, or District, or if this Act had not been passed would be so in force and applicable, regard shall be had to such Act or Acts, and to any Valuation made or to be made in pursuance thereof, in the Warrant of the Treasurer of such County, and in the Levy of Grand Jury Cess of such County, Barony, and Place or District as aforesaid.

Provision for
Valuation in the
County of
Waterford,
7 W. 4. &
1 Vict. c. lxi.

IV. Provided always, and be it enacted, That any such Place which shall be added by virtue of this Act to the County of *Waterford* shall, for the Purposes aforesaid, and until the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth shall apply to such Place, be valued according to an Act passed in the Session of Parliament held in the Seventh Year of His late Majesty King *William* the Fourth and in the First Year of the Reign of Her present Majesty, intituled *An Act for the uniform Valuation of Lands and Tenements in the County of Waterford in Ireland, for the Purpose of levying the County Rates therein*.

Commissioners
for Valuation
of Waterford
re-appointed.

V. 'And whereas, in order to a due Valuation of the Place 'or Places which may under this Act be added to the County 'of *Waterford*, and to rectify any Errors or Omissions in the 'Valuation and Table already made out for the County of ' *Waterford*, it is expedient that the Power of the Commis- 'sioners appointed under the said last-recited Act should be 'continued;' be it therefore enacted, That the Commissioners appointed under the said last-recited Act, and now living, be hereby re-appointed, with all Power conferred upon them by the said last-recited Act, so far as the same shall be necessary for the Purposes herein-after mentioned; and that the said Commissioners do, with all convenient Speed, and in the Manner directed by the said Act, make or cause to be made a Valuation of all Houses and Lands situated within the Place or Places which by virtue of this present Act shall or may be added to the said County of *Waterford*, and that the said Commissioners do also, within Three Months from the passing of this Act, amend and correct, or cause to be amended and corrected, all such Errors and Omissions as may be found by them to exist in the Valuation already made out by them for the said County of *Waterford*; and when the Valuation of the Place or Places so to be added to the said County of *Waterford*

ford shall have been made, and when the said former Valuation for the said County shall have been so amended, that the said Commissioners do act with respect to such new and amended Valuation in the Manner provided and directed by the said last-recited Act, and that all such Steps and Proceedings be taken thereon, and with the like Powers and Authority, as are directed by the said recited Act with respect to the Valuation in the said Act mentioned.

VI. And be it enacted, That the Power of the said Commissioners so hereby appointed for the Purposes aforesaid shall continue for the Space of One Year from the passing thereof.

Their Power to continue for One Year.

VII. And be it enacted, That it shall be lawful for the Grand Jury of the said County of *Waterford*, without any previous Application, at any Presentment Sessions, from Time to Time, to present at any Assizes to be raised in the said County at large all such Sum or Sums, not exceeding in the whole the Sum of Three hundred Pounds, as may be necessary to defray the Expences of the said Valuation; and all Monies so presented shall be paid to such Person or Persons as the said Commissioners shall, by Writing under their Hands addressed to the Treasurer of the County, appoint to receive the same, and the same shall be so paid by such Treasurer accordingly: Provided always, that an Account of the Expenditure of the first Sum presented to be paid to the said Commissioners shall be laid before the said Grand Jury before any further Sum be granted to them, and in like Manner no further Sum shall be granted until the Account of the Sum previously granted shall be laid before such Grand Jury and be approved of.

Grand Jury of the County of *Waterford* empowered to present for the Expences of Valuation.

VIII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon Application from the Grand Jury of any Borough which shall be a County of a City or County of a Town, and from the Grand Jury of the County with which such Borough shall have the longest common Boundary, to order and direct that such Borough and County may unite in the building or providing of One Common Gaol, Bridewell, House of Correction, or other Prison for such Borough and County; and in any such Case the Gaols, Bridewells, Houses of Correction, or other Prisons of such Borough and County, shall be deemed to be united and joined; and that when the Gaols, Bridewells, Houses of Correction, or other Prisons of such Borough and County shall have been united and joined, it shall and may be lawful to and for such Grand Juries respectively to present such Sums as they shall think fit for the building a new Gaol or Gaols, Bridewells, Houses of Correction, or other Prisons for the said Borough and County respectively, or for either of them, either together or separate, as the said Grand Juries respectively shall think proper, in the same Manner in all respects, and the respective Parts thereof

For the uniting of Gaols.

shall be subject to all the same Rules, Conditions, and Consequences, as if the same were separate.

For authorizing
Contracts for
the Maintenance
of Prisoners.

IX. And be it enacted, That it shall be lawful for the Grand Jury of any Borough to contract with the Grand Jury of the County adjoining such Borough, or with which it shall have the longest common Boundary, or other Persons having Authority or Jurisdiction in and over any Gaol or House of Correction of such County, for the Support and Maintenance, in such last-mentioned Gaol or House of Correction, of any Prisoners committed thereto from such Borough; provided that no such Contract be entered into by any such Grand Jury of such County, or other Persons having such Authority or Jurisdiction, without an Order for that Purpose being made by such Grand Jury or Persons in their County Book or other Book in which their Proceedings are entered; and every such Contract may either be perpetual or limited to a certain Term of Years, as the Parties shall mutually agree; and during the Existence of such Contract every Prisoner who would otherwise be confined in the Gaol or House of Correction of such Borough of which the Grand Jury shall so contract may be lawfully committed or removed to and confined in the Gaol or House of Correction so receiving him or her under such Contract; and all Prisoners so confined by Contract, whether before or after Trial, shall be subject in all Matters and Things to the same Rules and Regulations as if they were committed thereto by any of the Justices of such County, and if committed before Trial shall be triable and tried in the same Manner as if their Offences had been committed in a Part of such County not within such Borough from whence such Person shall come, save only that if the Gaol or House of Correction so receiving under Contract a Prisoner committed for Trial shall be situate within Two Miles of the usual Place of Trial of such Borough wherein the Offence charged against such Prisoner shall be alleged to have been committed, it shall be lawful to try such Prisoner in the Manner heretofore accustomed, or in the Place in which he would or might have been tried if this Act had not been passed, and for the Magistrates or other proper Officer of such Borough to direct the Removal of such Prisoner for Trial, and to do all other Acts necessary for such Trial or consequent thereon.

Maximum Rate
of Assessment.

X. And be it enacted, That the Maximum Rate of Assessment of every Borough Rate to be made in any Borough under the said recited Act shall in no Case in any Borough exceed One Shilling in the Pound of the yearly Value of the Premises assessed thereto at which the same shall be estimated for the Purpose of a Rate for the Relief of the destitute Poor, and shall not, in any Borough in which an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases, or in which any Local Act or Acts providing for the paving, lighting,*

lighting, and cleansing of such Borough shall be in force, exceed Three-pence in the Pound of such yearly Value of the Premises so assessed to such Borough Rate as aforesaid: Provided always, that in any Case in which the Council of any Borough shall be entitled, as to the Whole or as to any Part of such Borough which shall not be within the Provisions of any Local Act for lighting the same, to levy Rates for the Purpose of lighting such Borough or such Part thereof, then the Rate to be levied within such Borough or within such Part thereof shall, in addition to the aforesaid Rate of Three-pence in the Pound, be of such an Amount as will be sufficient to cover the Expence of such lighting: Provided also, that in any Borough in which any Proportion of the Expence of the Constabulary Force in and for such Borough shall be payable out of the Borough Fund, then, in addition to the said Rate of Three-pence in the Pound, there may be levied a Rate of such an Amount as will be sufficient to cover the Expence of such Constabulary Force: Provided also, that in every such Case a separate Account shall be kept of all Monies so levied beyond the aforesaid Rate of Three-pence in the Pound, and such Monies shall be applicable only to the Purposes for which they shall have been levied; and such Account shall at all reasonable Times be open to the Inspection of every Rate-payer.

XI. ' And whereas Provision is made by the said recited Act for Compensation in certain Cases, and it is deemed expedient to make further Provision in relation thereto: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to restrain the Alienation of Corporate Property in certain Towns in Ireland*, whereby it is provided that no Person who should have been appointed to any Office or Place of Profit in or by any of the said Bodies Corporate since the Sixteenth Day of *February* in the Year One thousand eight hundred and thirty-six should be entitled, by reason of such Appointment, to have any Compensation for the Loss of such Office or Place of Profit, or of the Fees and Emoluments thereof, in case Provision should be thereafter made by Parliament for removing him or authorizing his Removal from such Office or Place of Profit, or for amending or abolishing the same; be it enacted, That every chartered Magistrate acting by Corporate Appointment, whose Duties and Fees shall have been regulated by any Act of Parliament now in force in *Ireland*, and every Officer and every Person holding Office within any Borough or Body Corporate, except those appointed for the first Time since the Sixteenth Day of *February* One thousand eight hundred and thirty-six, and every Officer of any County, who shall hold any Place or Office of Profit at the Time when the said first-recited Act shall come into operation in such Borough, whose Office shall be abolished or cease or become unnecessary by reason of the said first-recited Act, or who shall be removed from his Office and shall not be re-appointed thereto under the Provisions of the said first-recited Act, or deprived of Fees or Emoluments to which he would have been entitled if the said

Further Provision with respect to Officers who are to receive Compensation under the said recited Act.

2 & 3 Vict. c. 76.

first-recited Act had not been passed, shall be entitled to have an adequate Compensation, by way either of a Sum in gross or of Annuity, at the Option of and to be assessed by the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough, and paid out of the Borough Fund or Town Fund, or Corporate Property or Funds vested in the Guardians under the said first-recited Act, as the Case may be, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold, or for the Fees or Emoluments of which he shall be so deprived as aforesaid, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, (whether such Person shall have held his Office for Life, or the Usage shall have been such as to raise a just Expectation that the Office would continue for Life, although, in compliance with some Charter, Custom, Bye Law, or Statute such Person may have been subjected to an annual or other periodical Election,) and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk then to the Treasurer of the Borough, a Statement under the Hand of such Person, setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the passing of the said first-recited Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he shall claim such Compensation, distinguishing, the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Treasurer, as the Case shall be, shall lay such Statement before the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he shall not himself be the Town Clerk, shall be informed thereof by Notice in Writing under the Hand of the Town Clerk, and in case such Claim shall be admitted in part and disallowed in part such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough thereon, or in case One Third of the Members of the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough shall subscribe a Protest against the Amount of Compensation allowed by such Determination as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council, Commissioner, or Guardian, as the Case may be, who shall subscribe such Protest, to appeal to the Commissioners

Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Commissioners, shall be binding on all Parties: Provided always, that if the Council, Commissioners, or Guardians so acting for such Borough shall not determine on such Claim within Six Calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Treasurer, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Council, Commissioner, or Guardian to subscribe such Protest as aforesaid, except within such Period of Six Calendar Months: Provided also, that the Person preferring such Claim, if any Member of the Council, Commissioner, or Guardian shall so require, upon receiving Notice in Writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Council, Commissioners, or Guardians, for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Mayor or Chairman, (who is hereby authorized to administer the same,) shall answer all such Questions as shall be asked by any Member of the Council, Commissioner, or Guardian, touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto: Provided also, that it shall be lawful for any such Town Clerk to include in the Amount of Compensation to be so claimed by him, not only the Salary and just Emoluments of his Office of Town Clerk, but also the Profits derived from the Performance of the Legal Business of the Body Corporate of the Borough in which he shall be such Town Clerk, executed by him, in or by reason of his official Capacity, and the just Emoluments of any other Corporate Appointment held by such Town Clerk, and usually held in conjunction with or attached or annexed to the Office of Town Clerk: Provided also, that in any Case in which such Town Clerk, or any other Officer of any such Borough, shall hold his Office for Life or during good Behaviour, or where the Usage has been such as to raise a just Expectation that the Office shall continue for the Life of the Holder, a Compensation of not less than Two Thirds of his Profits may be granted to such Officer, calculated upon an Average of his just Emoluments or those of his Predecessors for the Five Years next before the passing of the said first-recited Act: Provided also, that every such Officer who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall be subsequently removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such

first-recited Act had not been passed, shall be entitled to have an adequate Compensation, by way either of a Sum in gross or of Annuity, at the Option of and to be assessed by the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough, and paid out of the Borough Fund or Town Fund, or Corporate Property or Funds vested in the Guardians under the said first-recited Act, as the Case may be, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold, or for the Fees or Emoluments of which he shall be so deprived as aforesaid, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, (whether such Person shall have held his Office for Life, or the Usage shall have been such as to raise a just Expectation that the Office would continue for Life, although, in compliance with some Charter, Custom, Bye Law, or Statute such Person may have been subjected to an annual or other periodical Election,) and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk then to the Treasurer of the Borough, a Statement under the Hand of such Person, setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the passing of the said first-recited Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he shall claim such Compensation, distinguishing, the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Treasurer, as the Case shall be, shall lay such Statement before the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he shall not himself be the Town Clerk, shall be informed thereof by Notice in Writing under the Hand of the Town Clerk, and in case such Claim shall be admitted in part and disallowed in part such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough thereon, or in case One Third of the Members of the Council, Commissioners, or Guardians acting under the said first-recited Act for that Borough shall subscribe a Protest against the Amount of Compensation allowed by such Determination as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council, Commissioner, or Guardian, as the Case may be, who shall subscribe such Protest, to appeal to the Commissioners

Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Commissioners, shall be binding on all Parties: Provided always, that if the Council, Commissioners, or Guardians so acting for such Borough shall not determine on such Claim within Six Calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Treasurer, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Council, Commissioner, or Guardian to subscribe such Protest as aforesaid, except within such Period of Six Calendar Months: Provided also, that the Person preferring such Claim, if any Member of the Council, Commissioner, or Guardian shall so require, upon receiving Notice in Writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Council, Commissioners, or Guardians, for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Mayor or Chairman, (who is hereby authorized to administer the same,) shall answer all such Questions as shall be asked by any Member of the Council, Commissioner, or Guardian, touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto: Provided also, that it shall be lawful for any such Town Clerk to include in the Amount of Compensation to be so claimed by him, not only the Salary and just Emoluments of his Office of Town Clerk, but also the Profits derived from the Performance of the Legal Business of the Body Corporate of the Borough in which he shall be such Town Clerk, executed by him, in or by reason of his official Capacity, and the just Emoluments of any other Corporate Appointment held by such Town Clerk, and usually held in conjunction with or attached or annexed to the Office of Town Clerk: Provided also, that in any Case in which such Town Clerk, or any other Officer of any such Borough, shall hold his Office for Life or during good Behaviour, or where the Usage has been such as to raise a just Expectation that the Office shall continue for the Life of the Holder, a Compensation of not less than Two Thirds of his Profits may be granted to such Officer, calculated upon an Average of his just Emoluments or those of his Predecessors for the Five Years next before the passing of the said first-recited Act: Provided also, that every such Officer who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall be subsequently removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such

Office: Provided also, that the Provisions herein-before contained with respect to such Notice, Protest, and Appeals as aforesaid, and with respect to the said Commissioners of the Treasury making such Order as aforesaid, and with respect to the Person claiming Compensation delivering such Statement, and attending such Meeting or Meetings, and submitting to such Examination on Oath, and answering such Questions, and producing such Books, Papers, and Writings as aforesaid, and with respect to the Powers of Investigation of the Town Council, and all other Matters in respect of such Claim, shall apply to any Claim or Compensation of any of the Persons in the said first-recited Act mentioned or specially provided for: Provided also, that in case *Robert Dickinson*, for whose Compensation special Provision is made in the said first-recited Act, shall, after the passing thereof, continue to hold any Corporate Office, either solely, or jointly with any other Person or Persons, the Emoluments of any such Office shall be treated as extinguishing any Right of the said *Robert Dickinson* to Compensation under the said special Provision if such Emoluments shall amount to the annual Sum of Three hundred Pounds, and if such Emoluments be less the said annual Sum shall be treated as applicable in part Discharge of such Compensation: Provided also, that nothing in this Act contained shall authorize the granting or awarding to *Robert Dickinson* in the said first-recited Act mentioned any Compensation of or upon any annual Sum exceeding the annual Sum of Three hundred Pounds as in the said first-recited Act mentioned.

XII. 'And whereas an Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled
 6&7 W. 4. c. 100. ' *An Act to restrain the Alienation of Corporate Property in certain Towns in Ireland*, whereby temporary Provision was made to the end that the Estate and Effects of the Bodies Corporate constituted in certain Towns in Ireland might be preserved and maintained for the Use and Benefit of the Inhabitants of the said Towns, and upon and for the several Trusts and Purposes to which the same ought to be applied: And whereas by Three Acts passed respectively in the last and in the Two previous Sessions of Parliament, further temporary Provision was made to the like End: And whereas the Provision so contained in the last of the said Acts will cease on the First Day of September One thousand eight hundred and forty: And whereas it is fitting that such Provision should be continued;'

Restraining the Conveyance of Corporate Property until the Act for the Regulation of Municipal Corporations in Ireland comes into operation, unless bona fide agreed upon previously to

be it therefore enacted, That no Conveyance, Alienation, Settlement, Charge, or Incumbrance whatsoever, of, out of, or upon any Lands, Tenements, or Hereditaments to which any Body Corporate, or late or reputed Body Corporate, named in the Schedules to the said Act of the Sixth and Seventh Years of His said late Majesty annexed, or any One or more of the Members of any of the said Bodies Corporate in his or their Corporate Capacity, or any Person or Persons in Trust for them or any of them, now have or may hereafter acquire, or on or before the Sixteenth Day of February One thousand eight hundred

dred and thirty-six had or have since then acquired, any Right or Title, unless in pursuance of some Covenant or Contract or Agreement *bono fide* made or entered into on or before the said Sixteenth Day of *February* by or on behalf of such Body Corporate, or of some Resolution duly entered in the Corporate Books of such Body Corporate on or before the said Sixteenth Day of *February*, shall (except as herein-after provided) be made or executed by or on behalf of such Body Corporate on or before the Day of the first Election of Councillors under the said first-recited Act, in any Borough named in the said Schedule (A.), or on or before the Twenty-fifth Day of *October* in the Year One thousand eight hundred and forty-one in any Borough named in either of the Schedules (B.) or (I.) to that Act annexed; and that no Contract, Covenant, or Agreement to convey or to charge such Lands, Tenements, or Hereditaments, entered into after the passing of this Act, and on or before the Day of the first Election of Councillors under the said first-recited Act in any Borough named in the said Schedule (A.), or on or before the Twenty-fifth Day of *October* in the Year One thousand eight hundred and forty-one in any Borough named in either of the said Schedules (B.) or (I.), shall (except as herein-after provided) be valid; and no Assignment, Grant, or Disposition of, or Covenant or Agreement to affect, any Personal Estate or Estates of any such Body Corporate, which may be hereafter made on or before the said Day of the first Election of Councillors under the said first-recited Act, in any Borough named in the said Schedule (A.), or on or before the Twenty-fifth Day of *October* in the Year One thousand eight hundred and forty-one in any Borough named in either of the said Schedules (B.) or (I.), shall (except as herein-after provided) be valid and effectual: Provided always, that nothing herein contained shall extend to such Dispositions as may be made before the said Day of the first Election of Councillors under the said first-recited Act in any Borough named in the said Schedule (A.), or before the Twenty-fifth Day of *October* in the Year One thousand eight hundred and forty-one in any Borough named in either of the said Schedules (B.) or (I.), of any Part of the Real or Personal Estate of any such Body Corporate, for paying any just and lawful Debt contracted by them before the said Sixteenth Day of *February* One thousand eight hundred and thirty-six, or for paying any Debt which such Body Corporate shall have been or may be directed to pay by any Order, Judgment, or Decree of any Court of Law or Equity, or for defraying the legal Salaries of necessary Officers, and other legal and necessary Disbursements of such Body Corporate.

XIII. And be it enacted, That this Act shall come into operation in each of the said Boroughs of *Cork, Dublin, Drogheda, Kilkenny, Limerick, and Waterford* on the Day after the Election of a Town Council under the Provisions of the said Act of this present Session of Parliament

Time when
this Act shall
come into
operation.

XIV. And be it enacted, That in the Construction of this Act the Word "Borough" shall be construed to mean City, Borough,

Interpretation
Clause.

Borough, or Town Corporate, and shall also be construed to include in its Meaning County of a City or County of a Town, and the Word "Borough," shall be construed to include and extend to the Limits thereof as the same are defined in and by an Act passed in the present Session of Parliament, intituled *An Act for the Regulation of Municipal Corporations in Ireland*; and the Words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*.

3 & 4 Vict.
c. 108.

Act may be
amended, &c.

XV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

CAP. CX.

An Act to amend the Laws relating to Loan Societies.
[11th August 1840.]

5 & 6 W. 4. c. 23.

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Establishment of Loan Societies in England and Wales; and to extend the Provisions of the Friendly Societies Acts to the Islands of Guernsey, Jersey, and Man*: And whereas it is expedient to repeal so much of the said Act as relates to the Establishment of Loan Societies in *England and Wales*, and to make other Provisions instead thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act as relates to the Establishment of Loan Societies in *England and Wales* shall be repealed, except as is herein-after provided: Provided always, that the Provisions of the said Act, and all Rules heretofore certified by the Barrister appointed to certify the Rules of Savings Banks, and enrolled for the Management of Societies established under the said Act, shall continue and be in force and applicable for the Recovery of all Sums of Money which have been lent by any such Society before the passing of this Act, and may be due and owing or become due in respect of any Loan made by any such Society previous to the passing of this Act, according to the Rules of such Society, except where the same shall be contrary to the Provisions in this Act contained; and all such Rules shall be judicially taken notice of and enforced by all Justices in any Proceedings to be had or taken by the Treasurer or Clerk of such Society for the Recovery of any Loan or Loans, or any Sum of Money on account thereof.

II. And be it enacted, That no Society certified and enrolled under the said Act, or Treasurer, Trustee, Clerk, Servant, or Member thereof, shall be liable to any Penalty or Forfeiture imposed by any Act or Acts relating to Usury on account of having reserved or contracted for more than the legal Rate

Repeal of
5 & 6 W. 4. c. 23.
except as is
herein-after
provided.

Provisions to
be in force for
Recovery of all
Sums lent pre-
vious to passing
of this Act.

Society not
liable to Penal-
ties of Money
for Loans made
before passing
of Act.

cond.
445/55-586/65
887/41
889/54, 60.
1041/53

Rate of Interest, either in the Way of Interest, or other Charges or Expences, in respect of any Loan made by such Society before the passing of this Act.

III. And be it enacted, That if any Number of Persons who have formed or shall form any Society in *England* for establishing a Fund for making Loans to the industrious Classes, and taking Payment of the same by Instalments, with Interest thereon, shall be desirous of having the Benefit of this Act, such Persons shall cause the Rules framed or to be framed for the Management of such Society to be certified, deposited, and enrolled in manner herein-after directed, and thereupon shall have the Benefit of the Provisions contained in this Act.

Formation of Loan Societies under Restrictions in this Act.

IV. And be it enacted, That Three Transcripts fairly written or printed, or partly written and partly printed, on Paper or Parchment, of all Rules made in pursuance of this Act, signed by Three Members, and countersigned by the Clerk or Secretary, (accompanied, in the Case of any Amendment of the Rules, with an Affidavit of the Clerk or Secretary, or one of the Officers of the said Society, that the Provisions of this Act have been duly complied with,) with all convenient Speed after the same shall be made or amended, and so from Time to Time after every making or amending thereof, shall be submitted to the Barrister at Law for the Time being appointed to certify the Rules of Savings Banks, for the Purpose of ascertaining whether the said Rules of such Society, or Amendment thereof, are calculated to carry into effect the Intention of the Parties framing such Rules or Amendments, and are in conformity to Law; and that the said Barrister shall advise with the said Clerk or Secretary, if required, and shall give a Certificate on each of the said Transcripts, that the same are in conformity to Law, or point out in what Part or Parts the said Rules are repugnant thereto; and that the Barrister for advising as aforesaid, and perusing the Rules or Amendments of the Rules of each Society, and giving such Certificates as aforesaid, shall demand no further Fee than the Sum of One Guinea; and One of such Transcripts, when certified by the said Barrister, shall be kept by the said Barrister, and another returned to the Society, and the Third of such Transcripts shall be transmitted by such Barrister to the Clerk of the Peace for the County, City, or Borough wherein such Society shall be formed, and by him laid before the Court of General Quarter Sessions, or Adjournment thereof, held next after the Time when such Transcript shall have been so certified and transmitted to him as aforesaid; and the said Court is hereby authorized and required, without Motion, to allow and confirm the same; and such Transcript shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his Custody, without Fee or Reward; and that all Rules and Amendments thereof, from the Time when the same shall be certified by the said Barrister, shall be binding on the several Members and Officers

Three Transcripts of Rules to be submitted to a Barrister, &c.

Barrister, &c. to certify the Transcripts.

Fee payable to Barrister.

One Transcript to be kept by the Barrister, another returned to the Society, and the Third sent to the Clerk of Peace.

Justices to confirm Rules.

Rules, &c. to be binding when certified by Barrister.

of

of the said Society, and the Borrowers and Sureties, and all other Persons having Interest therein.

No confirmed Rule to be altered but at a General Meeting of the Society, &c.

V. And be it enacted, That no Rule, certified in manner aforesaid, shall be altered, rescinded, or repealed unless at a General Meeting of the Members of such Society, convened by Notice, written or printed, signed by the Secretary or President or other principal Officer or Clerk of such Society, in pursuance of the enrolled Rules, or of a Requisition for that Purpose signed by Three or more of the Members of such Society, such Notice to be forwarded by Post or otherwise to every Member of the Society Seven clear Days at least before the Day appointed for such Meeting; and such Alterations or Repeal shall and may be made with the Concurrence of the Majority of the Members of such Society then and there present.

Limitation of Fee payable to Barrister.

VI. And be it enacted, That the said Barrister shall be entitled to no further Fee for or in respect of any Amendment of any Rules enrolled under this Act, or which have been before the passing of this Act enrolled under the said Act of the Fifth Year of His late Majesty, upon which One Fee has been already paid to the said Barrister within the Period of Three Years.

Rules to be entered in a Book to be kept by the Officer of the Society.

VII. And be it enacted, That all Rules from Time to Time made and in force for the Management of any such Loan Society, and duly certified and enrolled, shall be entered in a Book or Books to be kept by an Officer of such Society to be appointed for that Purpose, which Book or Books shall be open at all seasonable Times for the Inspection of all Members of such Society, and of the Persons receiving Loans from such Society, and shall be binding on the several Members and Officers of such Society, and the several Persons receiving Loans from the same, and their Representatives, as well as those Parties who may become the Sureties for the Repayment of any Loan, their Executors or Administrators; and all such Persons and Parties shall be deemed to have full Notice of the enrolled Rules of the Society by the Deposit thereof with the Clerk of the Peace or Town Clerk, as required by this Act, and by the Entry thereof in such Book or Books; and the Entry of such Rules in such Book or Books as aforesaid, or the Transcript thereof, deposited with the Clerk of the Peace or Town Clerk, or a true Copy of such Transcript examined with the Original, and proved to be a true Copy, or the Copy certified by the Barrister at Law appointed for that Purpose, shall be received as Evidence of such Rules respectively in all Cases, and no Certiorari shall be brought or allowed to remove any such Rules into any of Her Majesty's Courts of Record; and every Copy of any such Transcript deposited with any Clerk of the Peace or Town Clerk as aforesaid shall be made without Fee or Reward, except the actual Expence of making such Copy; and such Copy shall not be subject to any Stamp Duty.

VIII. And

VIII. And be it enacted, That all Monies and Securities for Money, and all Chattels whatsoever, belonging to any such Society, shall be vested in a Trustee or Trustees for the Use and Benefit of such Society and the Members thereof, their Executors and Administrators respectively, according to their several Shares and Interests therein, and after the Death, Resignation, or Removal of any Trustee or Trustees shall vest in the surviving or succeeding Trustee or Trustees for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also shall for all Purposes of Suit, as well Criminal as Civil, at Law or in Equity, in anywise concerning the same, be deemed to be the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Society for the Time being, in his or their proper Name or Names without further Description; and such Person or Persons are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Suit, Criminal as well as Civil, at Law or in Equity, concerning the Property or any Claim of such Society, and to sue and be sued, plead and be impleaded, in his or their proper Name or Names, as Trustee or Trustees of such Society, without any other Description; and no Suit shall abate or be discontinued by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in and by or against the succeeding Trustee or Trustees; and such succeeding Trustee or Trustees shall pay or receive like Costs for the Benefit of or to be reimbursed from the Funds of such Society as if the Suit had been commenced in his or their Name or Names.

Property of
Society vested
in the Trustees
thereof.

IX. And be it enacted, That for every Sum of Money deposited or to be deposited with any Loan Society, otherwise than by way of Gift, it shall be lawful for such Society, if they shall think fit, to issue a Debenture, to be registered in the Books of the Loan Society by whom such Debenture shall be payable; and no such Debenture shall be liable to any Stamp Duty or Parliamentary Imposition whatever.

Societies to
issue Deben-
tures.

X. And be it enacted, That no Treasurer, Trustee, or other Officer of any Loan Society subscribing a Debenture shall be individually responsible, in Person or Property, for the Payment of the same, or of any Interest thereon; but such Debenture shall be a Charge on the Capital and Property of the Society alone, unless such Treasurer, Trustee, or other Officer shall, in the Instrument or by Writing at the Foot or on the Back thereof, declare his or their Willingness to be so liable in Person or Property; and such Understanding shall only apply to the specific Sums so guaranteed.

Trustees sign-
ing Deben-
tures
not personally
liable unless
specially under-
taken.

XI. And be it enacted, That in case any Debenture Holder, Depositor, or other Claimant entitled to receive any Sum not exceeding Fifty Pounds out of the Funds of any such Loan Society, shall die, it shall be lawful for the Trustees or Trustee thereof, from and after the Expiration of Three Calendar Months after

Sums under 50*l*.
deposited in any
Loan Fund
Society payable
without Proba-
te to the Re-
presentative of
any deceased

according to the Course and Practice of such Courts; and in such Case the Act or Acts, and all Provisions therein relating to such Court and the Powers thereof, shall be applicable to the Recovery of the Sum so due on such Note.

Power for Societies to reduce Demand to enable Courts of Request to adjudicate, provided they accept the same in full.

XVIII. And be it enacted, That in case the whole Sum that shall appear to be due on any such Note shall exceed the Amount for which such Court shall have Jurisdiction, and such Treasurer or Clerk shall declare to the Court that he is willing to accept such Sum of Money as the said Court shall be enabled to adjudge and order to be paid, in full of the whole of such Amount so due as aforesaid, then, in every such Case, the Court shall adjudge such Sum or Sums to be paid by the Defendants or Defendant, not exceeding the Amount for which such Court shall have Jurisdiction, as to the Court shall seem just; and such Treasurer or Clerk shall be precluded from afterwards proceeding in any other Court, or before any Justice, for or on account of such Debt.

Treasurer of any Loan Society to sue for Securities granted to his Predecessor.

XIX. And be it enacted, That it shall be lawful for the Treasurer or Clerk for the Time being of any Loan Society, whose Rules shall have been duly certified as aforesaid, to sue for and recover, for the Use of such Society, the Amount of any Note or other Security, which shall have been passed or made payable to the Treasurer for the Time being of such Society, whether or not any Change or Changes shall have taken place in the Person by whom the said Office of Treasurer or Clerk may be filled.

Sum to be demanded for Inquiries.

XX. And be it enacted, That it shall be lawful for the Trustees or Trustee of any Society established under the Provisions of this Act to demand and receive from any Person applying for a Loan, at the Time of giving out the Form of Application, such Sum as shall be specified in the enrolled Rules, not exceeding One Shilling and Sixpence, for the Form of Application, and the Expence of making Inquiries into the Character and Solvency of the Applicant, and his proposed Sureties, which Sum the Society shall not be bound to return, although no Loan shall be granted; provided that such Inquiry shall be made within Fourteen Days from the Time when the Application Paper shall have been returned to the Office of the Society, duly filled up, as required by the enrolled Rules.

Sum for Interest.

XXI. And be it enacted, That it shall be lawful for the Trustees or Trustee of any Society established under the Provisions of this Act to demand and receive from every Person to whom a Loan shall be made, by way of Discount, at the Time of making the same, the full Amount which shall be specified by the enrolled Rules of the Society, not exceeding in the whole the Rate of Twelve Pounds by the Hundred, for the full Term of One Year, and to receive the Amount of the Principal Sum by Instalments, at such Time or Times, and in such Proportion or Proportions, as shall be specified by the enrolled Rules, but so nevertheless that the first Repayment shall not be paid sooner than the Eleventh Day after the Day on which the Loan shall have been actually granted and advanced, and

that the Time and Manner of paying such Instalments shall be taken into account in the Calculation of the Interest to be paid, and to take a Note of Hand for the whole Amount of the Loan, by which the same or so much thereof as shall then remain unpaid shall be recoverable immediately on failure of the Payment of any Instalment, without being liable on account thereof to any of the Forfeitures or Penalties imposed by any Act or Acts relating to Usury.

XXII. And be it declared and enacted, That the Instalments to be paid, and the corresponding Sum charged for Interest, may be such as is expressed in any One of the Schemes mentioned in the Schedule (E.) to this Act annexed, and that the Scheme which is adopted by any Society, and the actual Number of Shillings and Pence taken by way of Interest for every Loan, shall be fully and clearly set forth in the enrolled Rules of such Society; and that if such Scheme shall in any respect differ from every one of the Schemes set forth in the said Schedule (E.), it shall not be lawful for the said Barrister to certify the Rules of such Society, until a Certificate shall have been obtained, under the Hand of the Actuary to the National Debt Office, to the Effect that the Rate of Interest proposed to be taken, including therein all Charges whatsoever, except the aforesaid Sum of One Shilling and Sixpence, or so much thereof as shall be charged for the Form of Application and Expence of Inquiry, is not greater than is allowed by this Act; for which Certificate the said Actuary shall be entitled to have a Fee of One Guinea, and no more.

New Schemes must be certified by Actuary of National Debt Office.

XXIII. And be it declared and enacted, That the said Sum of One Shilling and Sixpence, or so much thereof as shall be charged under this Head by each Society, and the Sum so to be taken by way of Interest, shall be in full of all Charges and Demands to be made by the said Society for making Inquiry, and for executing the Note, and for the Purchase of the Borrower's Pass Book and Copy of the Rules, and all other Books, Papers, or Things which he is required by the Society to have, and for all Business whatsoever connected with the granting of the said Loan; and that it shall not be lawful by the Rules of any such Society to impose any Fine or Penalty for any Irregularity in making Payment of the Instalments of the Loan, except by requiring the Balance of the Loan then remaining due and unpaid, or any Part thereof, to be paid either forthwith, or within such Time as shall be allowed by the Rules of the Society; and that any Clerk, Officer, Agent, or Servant of the Society who by any Device, directly or indirectly, shall knowingly obtain from the Borrower, or any Surety, Payment of any further or other Sum than is allowed by the Provisions of this Act, by way of Charge, Contribution, Liquor Ticket, or for making any Inquiry, giving any Notice, writing or sending any Letter, or otherwise howsoever, either for his own Benefit or for the Benefit of the Society, or any other Person or Party whatsoever, in consideration of the granting of such Loan, shall be liable to the Penalties of Usury; and

Sums herein stated to be in full of all Charges.

Clerks, &c. overcharging liable to Penalties of Usury.

it shall be expressed in the enrolled Rules of every such Society that an Entry must be made in the Borrower's Pass Book of every Payment made to the Society by any such Borrower, including the Payment made for Inquiries, and Entries shall be made therein accordingly.

Instalments not
to be paid in
advance, nor
Loans to be
ballotted for.

XXIV. And be it enacted, That it shall not be lawful for any such Society to receive from any Borrower any Sum by way of Instalment or otherwise, (except the said Sum of One Shilling and Sixpence, or so much thereof as shall be taken for the Form of Application and Expences of Inquiry,) before the Day when the Loan shall be actually advanced and paid to such Borrower; nor shall it be lawful for any such Society to cause the Applicants for Loans to ballot for Precedence, or in any way to make the granting of any such Loan to depend upon any Chance, Lot, or other gambling Device whatsoever; and every Society which shall offend against this Enactment shall forfeit all the Benefit of the Provisions of this Act.

Penalty.

Members to be
competent
Witnesses.

XXV. And be it enacted, That on the Trial of any Suit or other Proceeding respecting the Property of any Society established under the Authority of this Act, or in any Proceedings before any Justice of the Peace, or in any Court, any Trustee, Treasurer, Manager, Shareholder, Officer, Clerk, or Servant of such Society shall be a competent Witness, notwithstanding any Interest he may have in the Result of such Suit or other Proceeding.

Forms stated in
Schedule may
be used.

XXVI. And be it enacted, That the several Forms which are set forth in the Schedules annexed to this Act marked respectively (B.) and (C.) may be used, with such Additions or Variations as may be necessary to adapt them to the particular Circumstances of each Case, and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person whomsoever.

Abstract of
Accounts to be
made out yearly,
and sent to the
Barrister.

XXVII. And be it enacted, That the Trustees of every Society established under the Provisions of this Act, or which may become entitled to the Benefits thereof, shall cause an Abstract of the Accounts of such Society for each Year to be made out, and up to the Thirty-first Day of *December*, together with a Statement of the Funds and Effects and of the Debts or Liabilities of such Society, and an Estimate of the clear net Profit or Loss up to that Period, which Abstract, Statement, and Estimate shall be in such Forms, and shall contain such Particulars connected with the Accounts and Transactions of such Society, as the Barrister appointed to certify the Rules of Saving Banks shall from Time to Time direct; and a Copy of such Abstract, Statement, and Estimate, duly certified to be correct by the Secretary, Treasurer, and at least One Trustee, shall during the Month of *January* in each Year be delivered or sent to the said Barrister, and shall be laid by him before both Houses of Parliament; and every Society which shall refuse or neglect to deliver such Account as aforesaid shall be liable to a Penalty of Fifty Pounds, to be recovered, at the Suit of the said Barrister, against the Trustees of the

Copy thereof
to be laid before
Parliament.

the Society, in any of Her Majesty's Superior Courts of Record : Provided always, that the Trustees shall not be liable, in their Persons or Goods, to the Consequences of any Judgment obtained against them in any such Suit, but the same shall avail and be enforced only against the Stock and Goods of the Society in their Hands or within their Control.

Trustees not personally liable.

XXVIII. And be it enacted, That this Act shall extend to *England, Wales, Berwick-upon-Tweed, and the Islands of Guernsey, Jersey, and Isle of Man.*

Extent of Act.

XXIX. And be it enacted, That in the Construction of this Act the Word "Writing" shall be construed to mean and include Printing or Engraving; and whenever in this Act, in describing any Person or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include also several Persons or Things, and Females as well as Males; unless there be something in the Subject or Context repugnant to such Construction.

Interpretation Clause.

XXX. And be it enacted, That this Act shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and forty-one.

Duration of Act.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which this Act relates.

(A.)

FORM of NOTE to be given by BORROWER and SURETY or SURETIES.

No. _____ Day of _____ 18 .
The [*Name of Society*] Loan Society, established pursuant to [*here insert the Date of this Session and Chapter of this Act*].

We jointly and severally promise to pay to the Treasurer for the Time being of the [*Name of the Society*] Society, at the Office of the said Society in _____ the Sum of _____ being the Amount of a Loan granted by the said Society to the undersigned _____ by weekly Instalments of _____ each; the first Instalment to be payable on the _____ Day of _____ and, on any Default in the punctual Repayment of the Instalments, or other Breach of the Conditions on which the Loan was granted as set forth in the enrolled Rules, we jointly and severally promise to pay on Demand, to the Treasurer aforesaid, at the Office aforesaid, so much of the Loan as shall not then have been repaid.

£ _____ }
D. E. } Places of Residence
F. G. } and Occupation.
H. I. }

(B.)

} WHEREAS Complaint has this Day been made before
 to wit. } me, one of Her Majesty's Justices of the Peace acting
 for the County of [or one of the
 Magistrates of the Police Courts of the Metropolis sitting at
 the Police Court at within the Metropolitan
 District, *or as the Case may be*], by on behalf of
 the [Name of the Society] Society enrolled pursuant to the Act,
 intituled [*here insert the Title of this Act*], that you have failed
 to make Payment of a certain Instalment [*or certain Instalments*]
 amounting to being Part of a Loan of
 Pounds, secured by a certain Note entered into by you and
 to the Treasurer for the Time being of the
 said Society, dated the Day of One
 thousand eight hundred and . These are there-
 fore in Her Majesty's Name to require you personally to appear
 at before me [*or such other Justice acting for the*
 County of or such other Magistrate of the
 Police Courts aforesaid, as shall be then and there sitting on
 the Day of , *or as the Case may be*,]
 at of the Clock, then and there to answer the said
 Complaint.

Given under my Hand and Seal this Day of
 in the Year of our Lord One thousand eight hundred
 and .

(C.)

} To all Constables and others, Her Majesty's Officers of
 to wit. } the Peace for the County of and all others
 whom it may concern.

WHEREAS on the Day of in the
 Year of our Lord One thousand eight hundred and ,
 late of the Parish of in the County of
 was and is duly convicted before me
 one of Her Majesty's Justices of the Peace acting in and for
 the County [*or one of the Police Magistrates of the Metropolis*
 sitting at the Police Court in within the Metro-
 politan District, *or as the Case may be*], upon the Oath of
 [*or as the Case may be*], to a certain Loan Society called
 held at in the County of enrolled
 under and by virtue of a certain Act of Parliament, intituled
 [*here insert the Title of this Act*]; for that on the
 Day of in the Year of our Lord One thousand eight
 hundred and at the Parish of in the
 County

County of _____ the said _____ being the Party
liable to pay the Money herein-after mentioned, did fail to make
full Payment in Money to _____ the Treasurer of the
said Society, of the Sum of _____ Pounds _____ Shillings
and _____ pence, being Part of the Sum of _____
Pounds lent and advanced to _____ and secured by
Note bearing Date the _____ Day of _____ One
thousand eight hundred and _____ entered into by
the said _____ to the said Treasurer of the said Society,
Demand having been duly made on the said _____ for
the said Sum of _____ Pounds _____ Shillings
and _____ pence previous to the said _____ Day
of _____ on behalf of the said Treasurer of the said
Society, contrary to the said Statute; and the said
having been duly summoned before me the said Justice [or
Magistrate at the Police Court aforesaid], on the said
Day of _____ to answer the said Complaint, and having [or
not, *as the Case may be,*] appeared before me in pursuance of
such Summons, on the said _____ Day of _____
at _____ [or at the Police Court aforesaid], I the said
Justice [or Magistrate] did proceed to hear and determine the
said Complaint, and did adjudge and award the said
to pay the Sum of _____ Pounds _____ Shillings
and _____ pence to the said Treasurer, and which appeared
to me to be due on the said Note, and also the Sum of _____
Shillings and _____ pence, for the Costs of the said Sum-
mons, Complaint, and Hearing thereof, and making together
the Sum of _____ : And whereas it appears to me the
said Justice [or Magistrate] that the said Sum of _____
Pounds _____ Shillings and _____ pence have been
duly demanded of the said _____ and that he hath
neglected to pay and satisfy the same: These are therefore to
command you to levy the said Sum of _____ Pounds _____
Shillings and _____ pence by the Distress and Sale of the
Goods and Chattels of the said _____ . And I do
hereby order and direct the Goods and Chattels so to be dis-
trained to be sold and disposed of within Four Days next after
making such Distress, unless the said last-mentioned Sum of
Money for which such Distress shall be made, and all the
Costs and Charges attending such Distress, shall be sooner paid,
rendering the Overplus, if any, on Demand, to the said _____
And you are hereby commanded to certify
to me the said Justice [or Magistrate] what you shall do by
virtue of this Warrant.

Given under my Hand and Seal at this
Day of in the Year of our Lord One thousand
eight hundred and .

(D.)

FORM OF BOND.

KNOW all Men by these Presents, That we, *A.B.* of
 Treasurer [*as the Case may be*] of the Society, estab-
 lished at in the County of and *C.D.*
 of and *G.H.* of (as Sureties on behalf of the
 said *A.B.*), are jointly and severally held and firmly bound to
E.F. and *G.H.*, Trustees of the Loan Society, in the
 Sum of to be paid to the said *E.F.* and *G.H.* as such
 Trustees, or their Successors, Trustees of the said Loan Society
 for the Time being, or their certain Attorney; for which Pay-
 ment, well and truly to be made, we jointly and severally bind
 ourselves, and each of us by himself, our and each of our
 Heirs, Executors, and Administrators, firmly by these Presents,
 sealed with our Seals. Dated the Day of
 in the Year of our Lord

WHEREAS the above-bounden *A.B.* hath been duly appointed
 Treasurer [*or as the Case may be*] of the Loan Society,
 established as aforesaid, and he, together with the above-bounden
C.D. and *G.H.*, as his Sureties, have entered into the above-
 written Bond, subject to the Condition herein-after contained :
 Now therefore the Condition of the above-written Bond is such,
 that if the said *A.B.* shall and do justly and faithfully execute
 his Office of Treasurer [*or as the Case may be*] of the said Society
 established as aforesaid, and shall and do render a just and true
 Account of all Monies received and paid by him, and shall and
 do pay over all the Monies remaining in his Hands, and assign
 and transfer or deliver all Securities and Effects, Books, Papers,
 and Property of or belonging to the said Society, in his Hands
 or Custody, to such Person or Persons as the said Society shall
 appoint, according to the Rules of the said Society, together
 with the proper or legal Receipts or Vouchers for such Pay-
 ments, and likewise shall and do in all respects well and truly
 and faithfully perform and fulfil his Office of Treasurer [*or
 as the Case may be*] to the said Society, according to the
 Rules thereof, then the above-written Bond shall be void and
 of no Effect, otherwise shall be and remain in full Force and
 Virtue.

(E.)

No. of Scheme.	Amount of Weekly Instalment.	Day on or after which the First Instalment is payable, reckoning the Day after the Loan as the First.	Sum which may be taken by way of Interest at the Time of advancing the Loan.
1.	Two Shillings per Five Pounds.	Eleventh - - -	Six Shillings per Five Pounds.
2.	Sixpence per Pound -	Sixteenth - - -	Twelve-pence per Pound.
3.	Eight-pence per Pound -	Twenty-first - - -	Ten-pence per Pound.
4.	Four Shillings per Five Pounds.	Thirty-eighth - - -	Four Shillings per Five Pounds.
5.	Ten-pence per Pound -	Twenty-first - - -	Eight-pence per Pound.
6.	One Shilling per Pound -	Thirty-fifth - - -	Eight-pence per Pound.
7.	Two Shillings per Pound -	Seventieth - - -	Eight-pence per Pound.
8.	Two Shillings and Sixpence per Pound.	Seventy-seventh - - -	Eight-pence per Pound.
9.	Four Shillings per Pound -	Sixty-second - - -	Sixpence per Pound.
10.	Five Shillings per Pound -	Sixty-sixth - - -	Sixpence per Pound.
11.	Ten Shillings per Pound -	Seventy-third - - -	Sixpence per Pound.
12.	Twenty Shillings per Pound	Seventy sixth - - -	Sixpence per Pound.

In these Schemes all Instalments after the first are to be paid weekly.

Other Schemes may be formed from these by advancing or postponing the Day of Payment of the first Instalment, provided that the first Payment is not made sooner than the Eleventh Day, and that not more than One Penny per Pound is added to the Interest for every Thirteen Days of such Postponement, or that not less than One Penny per Pound is taken off the Interest for every Thirteen Days of such Advance.

Thus: Scheme 6. may be altered by making the first Instalment payable on the Twenty-second Day after the Loan, and taking Seven-pence per Pound for Interest, and so of the rest.

CAP. CXI.

An Act to continue until the Thirty-first Day of August One thousand eight hundred and forty-two, and to extend, the Provisions of an Act of the First and Second Years of Her present Majesty, relating to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies.

*made perpetual
5th Dec 85*

[11th August 1840.]

‘ WHEREAS an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to extend, until the End of the next Session of Parliament, the Law relative to Legal Proceedings by certain Joint Stock Banking Companies against their own Members, and by such Members against the Companies*: And whereas the said Act has been continued until the Thirty-first Day of August One thousand eight hundred and forty by an Act passed in the last Session of Parliament, and it is expedient that the same should be further continued:’ Be it therefore enacted by the Queen’s

1 & 2 Vict. c. 96.

Recited Act
continued.

Punishing
Members of
Banking Com-
panies embez-
zling Notes, &c.

3 & 4 W. 4. c. 98.

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first-recited Act shall be further continued until the Thirty-first Day of *August* One thousand eight hundred and forty-two.

II. 'And whereas it is expedient to extend the Provisions of ' the said Act hereby continued in manner herein-after stated;' be it enacted, That if any Person or Persons, being a Member or Members of any Banking Copartnership within the Meaning of the said Act, or of any other Banking Copartnership consisting of more than Six Persons, formed under or in pursuance of an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for giving to the Corporation of the Governor and Company of the Bank of England certain Privileges for a limited Period, under certain Conditions*, shall steal or embezzle any Money, Goods, Effects, Bills, Notes, Securities, or other Property of or belonging to any such Copartnership, or shall commit any Fraud, Forgery, Crime, or Offence against or with Intent to injure or defraud any such Copartnership, such Member or Members shall be liable to Indictment, Information, Prosecution, or other Proceeding in the Name of any of the Officers for the Time being of any such Copartnership, in whose Name any Action or Suit might be lawfully brought against any Member or Members of any such Copartnership for every such Fraud, Forgery, Crime, or Offence, and may thereupon be lawfully convicted, as if such Person or Persons had not been or was or were not a Member or Members of such Copartnership; any Law, Usage, or Custom to the contrary notwithstanding.

CAP. CXII.

An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty, and to appropriate the Supplies granted in this Session of Parliament.

[11th *August* 1840.]

'Most Gracious Sovereign,

' **WE**, Your Majesty's most dutiful and loyal Subjects, the
' Commons of the United Kingdom of *Great Britain* and
' *Ireland*, in Parliament assembled, towards making good the
' Supply which we have cheerfully granted to Your Majesty in
' this Session of Parliament, have resolved to grant unto Your
Majesty the Sum herein-after mentioned;' and do therefore
most humbly beseech Your Majesty that it may be enacted;
and be it enacted by the Queen's most Excellent Majesty, by
and with the Advice and Consent of the Lords Spiritual and
' Temporal, and Commons, in this present Parliament assembled,
and

and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty, the Sum of Six millions four hundred eighty-two thousand five hundred Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1840, 6,482,500*l.* out of the Consolidated Fund.

II. And be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Six millions four hundred eighty-two thousand five hundred Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Treasury may cause 6,482,500*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. S. c. 1.

III. And be it enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Six millions four hundred eighty-two thousand five hundred Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King

Bank of England may advance 6,482,500*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

King William and Queen Mary, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any other Act or Acts to the contrary notwithstanding.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized and empowered to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Monies coming into the Exchequer by 3 & 4 Vict. c. 4;

IX. And be it enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in the present Session of Parliament, intituled *An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and forty*;

forty; and all the Monies coming into the said Exchequer by one other Act passed in the present Session of Parliament, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty*; and also the Sum of Eleven Millions granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Eleven Millions by Exchequer Bills for the Service of the Year One thousand eight hundred and forty*; and also all the Monies to be raised by Exchequer Bills, not exceeding Three Millions, by virtue of one other Act passed in the present Session of Parliament, intituled *An Act for granting to Her Majesty until the Fifth Day of July One thousand eight hundred and forty-one certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty*; and also the Sum of Ten millions seven hundred fifty-one thousand five hundred and fifty Pounds granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Ten millions seven hundred fifty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty*; and also the Sum of Six million four hundred eighty-two thousand five hundred Pounds by this Act granted, shall be appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

X. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five millions eight hundred twenty-four thousand and seventy-four Pounds, for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million one hundred forty-two thousand five hundred and four Pounds, to defray the Charge of Wages to Thirty-five thousand one hundred and sixty-five Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Six hundred and two thousand six hundred and ten Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet and the Ordinary and Yard Craft, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred twenty-two thousand and ninety-six Pounds, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand nine hundred and eighty Pounds, to defray the Salaries of the Officers and the contingent Expences of the Office for the Registry of Merchant Seamen, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding

and by
3 & 4 Vict. c. 7;

11,000,000*l.* by
Exchequer
Bills,
3 & 4 Vict. c. 12;

Monies coming
in by
3 & 4 Vict. c. 23.

10,751,550*l.* by
Exchequer
Bills,
3 & 4 Vict.
c. 106;

and 6,482,500*l.*
by this Act,
shall be ap-
plied as here-
after expressed.

There shall
be applied
5,824,074*l.*
for Naval
Services; viz.

1,142,504*l.* for
Wages to 35,165
Seamen and
Marines, &c.;

602,610*l.* for
Victuals, &c.
in the Navy;

122,096*l.* for
Salaries, &c. of
the Admiralty
Office;

2,980*l.* for
Registry Office
of Merchant
Seamen, &c.;

Twenty-

27,433*l.* for the
Navy Scientific
Departments;

122,236*l.* for
Naval Estab-
lishments at
home;

21,010*l.* for
Naval Estab-
lishments
abroad;

528,723*l.* for
Wages of Arti-
ficers, &c. at
home;

28,330*l.* for
Wages of Arti-
ficers, &c.
abroad;

1,038,666*l.* for
Naval Stores,
&c.;

193,174*l.* for
new Works in
Yards;

17,669*l.* for
Medicines, &c.;

110,130*l.* for
Naval Miscel-
laneous Ser-
vices;

758,657*l.* for
Naval Half
Pay;

512,355*l.* for
Military Pen-
sions;

Twenty-seven thousand four hundred and thirty-three Pounds, to defray the Salaries of the Officers and the contingent Expences of the several Scientific Departments of the Navy, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred twenty-two thousand two hundred and thirty-six Pounds, to defray the Salaries of the Officers and the contingent Expences of Her Majesty's Naval Establishments at home, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-one thousand and ten Pounds, to defray the Salaries of the Officers and the contingent Expences of Her Majesty's Naval Establishments abroad, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Five hundred twenty-eight thousand seven hundred and twenty-three Pounds, to pay the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-eight thousand three hundred and thirty Pounds, to pay the Wages of Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One million thirty-eight thousand six hundred and sixty-six Pounds, to defray the Expence of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred ninety-three thousand one hundred and seventy-four Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Yards, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seventeen thousand six hundred and sixty-nine Pounds, to defray the Charge of Medicines and Medical Stores, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred and ten thousand one hundred and thirty Pounds, to defray the Charge of divers Naval Miscellaneous Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seven hundred fifty-eight thousand six hundred and fifty-seven Pounds, to defray the Charge of Half Pay to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Five hundred twelve thousand three hundred and fifty-five Pounds, to defray the Charge of Military Pensions and Allowances which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand

thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred eighty-seven thousand two hundred and sixty-three Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred seventy-four thousand three hundred and seventy-four Pounds, to pay the Freight of Ships and Transports, and other Charges for the Victualling and Conveyance of Troops and Stores on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Sixty-eight thousand eight hundred and forty-one Pounds, to defray the Expence of conveying Convicts to *New South Wales* and *Van Diemen's Land*, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred and one thousand seven hundred and forty-eight Pounds, to defray the Charge of Wages for Two thousand additional Men for Her Majesty's Fleet, for Ten Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, and for the Increase of Pay to Naval Officers, and to Marine Officers on shore, as recommended by the Naval and Military Commission, for Nine Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty-four thousand one hundred and twenty-five Pounds, for the Purchase of Provisions and Victualling Stores, including Freight and other Charges, for Her Majesty's Fleet, for Ten Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Three thousand seven hundred and fifty Pounds, for the Purchase of Furniture, &c. for the Use of Commanding Officers of Her Majesty's Ships on their Outfit, as recommended by the Naval and Military Commission, for Nine Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred and eighteen Pounds for the Purchase of Medicines and Medical Stores for Her Majesty's Fleet, for Ten Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-one thousand six hundred Pounds, to defray the Expence of the accelerated Conveyance of the Mails, by Contract, to and from *England* and *Alexandria*, for Seven Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Three thousand six hundred and eighty-two Pounds, to defray the Expence of the Increase of Half Pay to Naval and Marine Officers, as recommended by the Naval and Military Commission,

187,363*l.* for Civil Pensions;

174,374*l.* to defray the Charge of Transports, &c.

68,841*l.* for conveying Convicts to *N. S. Wales*;

101,748*l.* for Wages for 2,000 additional Seamen and Increase of Pay to Officers;

34,125*l.* for additional Victualling Stores, &c.;

3,750*l.* for Furniture, &c. for Officers;

118*l.* for additional Medical Stores;

21,600*l.* for Mails to and from *Alexandria*;

3,682*l.* for Increase of Naval Half Pay.

sion, for Nine Months, to the Thirty-first Day of *March* One thousand eight hundred and forty-one.

There shall
be applied
6,616,853*l.*
for Army
Services; viz.

3,511,870*l.* for
Forces in U. K.
and Stations
abroad (except
the *East Indies*);

164,740*l.* for
General Staff
Officers, &c.;

60,146*l.* for
Allowances to
Officers, &c.
of Public
Military
Departments;

16,701*l.* for
Royal Military
Asylum, &c.;

92,993*l.* for
Volunteer
Corps;

15,815*l.* for
Rewards for
distinguished
Military Ser-
vices;

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions six hundred sixteen thousand eight hundred and fifty-three Pounds, for and towards the Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions five hundred eleven thousand eight hundred and seventy Pounds, to defray the Charge of Her Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland* and on Stations abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred sixty-four thousand seven hundred and forty Pounds, for defraying the Charge of General Staff Officers and Officers of the Hospitals serving with Her Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland* and on Foreign Stations (excepting *India*), and of Her Majesty's Garrison of the Tower of *London*, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Sixty thousand one hundred and forty-six Pounds, for defraying the Charge of the Allowances to the principal Officers of the several Public Military Departments in *Great Britain*, their Deputies, Clerks, and contingent Expences, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Sixteen thousand seven hundred and one Pounds, for defraying the Charge of the Royal Military Asylum and of the *Hibernian* Military School, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Ninety-two thousand nine hundred and ninety-three Pounds, for defraying the Charge of Volunteer Corps, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Fifteen thousand eight hundred and fifteen Pounds, for defraying the Charge of Allowances as Rewards for distinguished Services, and of Allowances to Officers of Her Majesty's Garrisons holding their Appointments as Rewards for Military Service in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-

forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Ninety-two thousand Pounds, for defraying the Charge of the Pay of General Officers in Her Majesty's Forces, not being Colonels of Regiments, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Fifty-three thousand five hundred Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of Her Majesty's Forces, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Five hundred and five thousand five hundred Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of Her Majesty's Land Forces, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding Sixty-three thousand six hundred and eight Pounds, for defraying the Charge of Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred forty-two thousand nine hundred and eighty-four Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of the Land Forces, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-seven thousand three hundred Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and of Pensions, Gratuities, and Allowances to Officers for Wounds, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive; and any Sum or Sums of Money not exceeding One million two hundred seventy-four thousand six hundred and thirty-nine Pounds, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, of the Out-Pensioners of *Chelsea* Hospital, of Pensions granted to discharged Negro Soldiers, and of Pensioners from *Hanoverian* Corps which served with the *British Army* in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both

92,000*l.* for certain General Officers;

53,500*l.* for Full Pay for Retired Officers;

505,500*l.* for Half Pay for Retired Officers;

63,608*l.* for Half Pay, &c. to Officers of disbanded Foreign Corps, &c.;

142,984*l.* for Pensions to Widows;

127,300*l.* for Compassionate List, &c.;

1,274,639*l.* for *Chelsea* and *Kilmainham* Hospitals, &c.;

42,000*l.* for
Superannua-
tions in Public
Military De-
partments ;

206,948*l.* for
Commissariat
Department ;

52,738*l.* for
Half Pay and
Pensions of
Commissariat ;

22,000*l.* for
Naval and
Military Com-
mission ;

171,371*l.* for
Disembodied
Militia.

There shall
be issued
1,893,358*l.* for
Ordnance Ser-
vices ; viz.

116,874*l.* for
the Civil Es-
tablishments at
the Tower,
Woolwich, &c. ;

106,930*l.* for the
Corps of Royal
Engineers, &c. ;

354,073*l.* for
the Royal
Regiment of
Artillery, &c. ;

both Days inclusive ; and any Sum or Sums of Money not exceeding Forty-two thousand Pounds, for defraying the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Military Public Departments in the United Kingdom of *Great Britain and Ireland*, from the First Day of *April* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one, both Days inclusive ; and any Sum or Sums of Money not exceeding Two hundred and six thousand nine hundred and forty-eight Pounds, to defray the Charge of the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Fifty-two thousand seven hundred and thirty-eight Pounds, to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Twenty-two thousand Pounds, to defray the Charge which will probably be incurred in carrying into effect the Recommendations of the Commission of Naval and Military Inquiry, applicable to the Officers of Her Majesty's Land Forces, from the First Day of *July* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding One hundred seventy-one thousand three hundred and seventy-one Pounds, to defray the Charge of the Disembodied Militia of *Great Britain and Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million eight hundred ninety-three thousand three hundred and fifty-eight Pounds, for and towards the Ordnance Services herein-after more particularly mentioned ; (that is to say,) any Sum or Sums of Money not exceeding One hundred sixteen thousand eight hundred and seventy-four Pounds, for defraying the Salaries of the Civil Establishments of the Office of Ordnance at the *Tower and Pall Mall*, at *Woolwich*, the Out Stations in the United Kingdom, and at the Foreign Stations, for the Year One thousand eight hundred and forty—forty-one ; and any Sum or Sums of Money not exceeding One hundred and six thousand nine hundred and thirty Pounds, for defraying the Expence of the Corps of Royal Engineers and Sappers and Miners, for the Year One thousand eight hundred and forty—forty-one ; and any Sum or Sums of Money not exceeding Three hundred fifty-four thousand and seventy-three Pounds, for defraying the Expence of the Royal Regiment of Artillery, the Royal Horse Artillery, the Master Gunners, the Field Train, the Medical Department, and the Royal Military Academy at *Woolwich*, for the Year One thousand eight hundred and forty—forty-one ; and any Sum or Sums of Money not exceeding

exceeding Thirty-seven thousand seven hundred and fourteen Pounds, for defraying the Salaries to Barrack Masters in the United Kingdom and the Colonies, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding Four hundred thirty-seven thousand seven hundred and eleven Pounds, for defraying the Charge of Ordnance Works and Repairs, Storekeepers Expenditure, Building and Repair of Barracks, Barrack Masters Expenditure, Pay of Clerks of Works, &c. in the United Kingdom and the Colonies, for the Year One thousand eight hundred and forty—forty-one, after deducting Eighty-six thousand and forty-two Pounds for Credits by Sale of Lands and Premises, Sale of old Stores, and Rents of Canteens; and any Sum or Sums of Money not exceeding One hundred eighty thousand four hundred and fifteen Pounds, for defraying the Charge of the Military and Civil Contingencies, also of the Surveys of the United Kingdom, and of that Portion of the Army Extraordinaries transferred to the Ordnance by Treasury Minute, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding Two hundred and seven thousand Pounds, for defraying the Charge for Stores on account of Ordnance and Military Store Branch Services, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding One hundred fifty-eight thousand six hundred and forty-seven Pounds, for defraying the Charge of the Office of Ordnance, on account of the Allowance to Superannuated, Retired, and Half Pay Officers, Pensions for good Services, Inventions, and Wounds, for Pensions to Widows and Children of deceased Officers late belonging to the several Ordnance Military Corps, also Allowances, Compensations, and Emoluments in the Nature of Superannuated or Retired Allowances to Persons late belonging to the Office of Ordnance and the Barrack Department in respect of their having held any Public Offices or Employments of a Civil Nature, and also for the Charge of Widows Pensions, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding Two hundred eighty-five thousand six hundred and thirty-six Pounds, for defraying the Charge of the Commissariat Supplies in the United Kingdom and the Colonies, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding Four thousand seven hundred and eighty-one Pounds, towards improving the Defences at *Gibraltar*, and for the Erection of Ball and Fives Courts in certain Barracks in *Great Britain*, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding Four hundred and thirty Pounds, for defraying the Expences of the Formation of Libraries and Regimental and Female Schools for the Ordnance Military Corps, for the Year One thousand eight hundred and forty—forty-one; and any Sum or Sums of Money not exceeding Three thousand one hundred and forty-seven Pounds, towards defraying the additional Expences consequent upon

37,714*l.* for Salaries to Barrack Masters; 437,711*l.* for Ordnance Works, &c.; 180,415*l.* for Military and Civil Contingencies; 207,000*l.* for Ordnance and Military Store Branch Services; 158,647*l.* for Ordnance Superannuations, Retired Allowances, Pensions, &c.; 285,636*l.* for Commissariat Supplies; 4,781*l.* for *Gibraltar*, and for Ball and Fives Courts in *Great Britain*; 430*l.* for Libraries and Female Schools; 3,147*l.* for Expences consequent upon Naval and Military Commission.

the Naval and Military Commission applicable to Her Majesty's Royal Regiment of Artillery and the Royal Engineers, from the First Day of *July* One thousand eight hundred and forty to the Thirty-first Day of *March* One thousand eight hundred and forty-one.

There shall be issued 20,951,550*l.* to pay off Exchequer Bills charged on the Aids of 1840.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty millions nine hundred fifty-one thousand five hundred and fifty Pounds, to pay off and discharge any Exchequer Bills charged on the Aids or Supplies of the Year One thousand eight hundred and forty now remaining unpaid and unprovided for.

There shall be issued 854,746*l.* for Canada ;

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three hundred fifty-four thousand seven hundred and forty-six Pounds, to defray the Expenses of the Services in the *Canadas* consequent upon the late Insurrection in those Provinces; and any Sum or Sums of Money not exceeding One hundred seventy-three thousand four hundred and forty-two Pounds, towards defraying the Expenses of the Expedition to *China*.

173,442*l.* for Expedition to *China*.

There shall be issued 3,520*l.* for the *Bahama Islands*;

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand five hundred and twenty Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, and of the Lighthouses there, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Four thousand and forty-nine Pounds, to defray the Charge of the Civil Establishment of the *Bermudas*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Three thousand and seventy Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Ten thousand three hundred and eighty Pounds, to defray the Charge of the Civil Establishments on the Western Coast of *Africa*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seven thousand and ninety-nine Pounds to defray the Expence of the Settlement of *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Eleven thousand seven hundred and ninety Pounds, to defray the Charge of the Ecclesiastical Establishment of the *British North American Provinces*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Eighteen thousand eight hundred and ninety-five Pounds, to defray the Charge of the *Indian Department* in *Canada*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of

4,049*l.* for *Bermuda Islands*;

3,070*l.* for *Prince Edward's Island*;

10,380*l.* for *Western Africa*;

7,099*l.* for *Western Australia*;

11,790*l.* for *British North American Provinces*;

18,895*l.* for *Indian Department, Canada*;

of Money not exceeding Twenty-three thousand two hundred and sixty-five Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in Her Majesty's *West India* Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Nine hundred and sixty-three Pounds, to defray the Charge of the Civil Establishment of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Fourteen thousand five hundred Pounds, to defray the Charge of the Civil Establishment at *Saint Helena*, and of Pensions and Allowances to the Civil and Military Officers of the *East India* Company's late Establishments in that Island, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Three thousand nine hundred Pounds, to defray a Part of the Charge of the Civil Government of *Nova Scotia*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one.

23,265*l.* for
West India
Colonies;

963*l.* for
Heligoland;

14,500*l.* for
St. Helena;

3,900*l.* for
Nova Scotia.

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two Millions, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and thirty-nine, or for any preceding Year; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray the Charge of Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Eighty-eight thousand six hundred and twenty-nine Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the Expence of Works and Repairs of Public Buildings, and for Furniture, &c., for various Public Departments, and for certain Charges for lighting and watching, and for Rates and Taxes, also for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens, heretofore charged upon the Civil List; and any Sum or Sums of Money not exceeding Nine thousand two hundred and twenty-six Pounds to defray the Expence of Fittings at the Chapel Royal and other Parts of *Saint James'* Palace, and other Expences connected with Her Majesty's Marriage; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Five thousand four hundred and thirty-five Pounds, to defray the Expence of the Improvement of the *Holyhead* and *Liverpool* Roads, *Holyhead* Harbour, and for Repairs to the *Conway Bridge*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand two hundred and fifty Pounds, to defray the Expence of Works and Fittings at the new Buildings at the *British Museum*,

There shall
be issued
2,000,000*l.*
to discharge Sup-
plies for 1839;

130,000*l.* for
Civil Conting-
encies;

88,639*l.* for
Repairs of
Public Build-
ings and Fur-
niture of Public
Offices;

9,226*l.* for
Expences of
Her Majesty's
Marriage;

10,000*l.* for
Kingstown
Harbour;

5,435*l.* for
Holyhead
Roads, &c.;

25,250*l.* for new
Buildings at th
British Museum;

18,593*l.* for providing temporary Accommodation for Houses of Parliament;

30,000*l.* for new Houses of Parliament;

20,000*l.* for erecting a Model Prison;

2,800*l.* for the Museum of Economic Geology;

70,000*l.* for Officers of Parliament;

51,000*l.* for Salaries, &c. at the Treasury;

19,300*l.* for Salaries, &c. in the Home Department;

103,234*l.* for Salaries, &c. in the Foreign Department;

24,000*l.* for Salaries, &c. in the Colonial Department;

26,300*l.* for Salaries, &c. at the Privy Council, &c.;

2,423*l.* for Salary of Lord Privy Seal;

34,000*l.* for Office of the

to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Eighteen thousand five hundred and ninety-three Pounds, to defray the Expence of providing temporary Accommodation for the Houses of Parliament, Committee Rooms, Offices, and temporary official Residences for the Speaker of the House of Commons, and other Officers of that House, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the Expence of the Works at the new Houses of Parliament; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, towards defraying, in the Year One thousand eight hundred and forty, the Expence of erecting a Model Prison; and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, for the Expences of the Museum of Economic Geology, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seventy thousand Pounds, to defray the Charge of Salaries and Expences of the Two Houses of Parliament, and of Allowances to retired Officers of the Two Houses, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Fifty-one thousand Pounds, to pay the Salaries, contingent and other Expences of the Department of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Nineteen thousand three hundred Pounds, to pay the Salaries and Expences of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One hundred and three thousand two hundred and thirty-four Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Foreign Messengers attached to the Department, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-four thousand Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-six thousand three hundred Pounds, to pay the Salaries and Expences in the Department of Her Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand four hundred and twenty-three Pounds, to pay the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty-four thousand Pounds, to defray the

Charge of the Office of Her Majesty's Paymaster General, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and eighty-six Pounds, to pay the Salaries and contingent Expences in the Departments of the Comptroller General of the Exchequer, the Paymasters of Exchequer Bills, and the Paymaster of Civil Services, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to defray the Charge of the Salaries and Allowances granted to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirteen thousand three hundred and fifty-eight Pounds, to defray the Charge of the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the contingent Expences of the Court and Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, also of the Expences attendant upon the Circuit; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to defray the Expence of the General Penitentiary at *Milbank*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Five thousand eight hundred and seven Pounds, to defray the Expence of the Prison for Juvenile Offenders at *Parkhurst* in the *Isle of Wight*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand three hundred and fifty-one Pounds, to defray the Charge of the Salaries and Expences of the State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expences of the Ecclesiastical Commissioners for *England*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Sixty-seven thousand Pounds, to defray the Charge of Salaries and Expences of the Commissioners for carrying into execution the Act for the Amendment of the Laws relating to the Poor in *England* and *Wales*, and the Act for the Relief of the destitute Poor in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the Salaries and incidental Expences of the Commissioners appointed on the Part of Her Majesty, under the Treaties with Foreign Powers, for preventing the illegal Traffic in Slaves; and any Sum or Sums of Money not exceeding One hundred and five thousand eight hundred and thirty-one Pounds, to defray to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the Charge of the Salaries of Her Majesty's Consuls General, Consuls, and Vice Consuls abroad, and of the Superintendents of Trade in *China*,

Paymaster General;
17,786*l.* for Comptroller General of Exchequer;

2,006*l.* for certain Professors at *Oxford* and *Cambridge*;

13,558*l.* for Insolvent Debtors Court;

15,000*l.* for Penitentiary, *Milbank*;

5,807*l.* for *Parkhurst* Prison;

2,351*l.* State Paper Office;

3,000*l.* for Ecclesiastical Commissioners for *England*;

67,000*l.* for the Poor Law Commissioners;

15,000*l.* for Commissioners for preventing the Slave Trade;

105,831*l.* for Salaries of Consuls, &c.;

9,000*l.* for Salaries, &c. of Factory Inspectors;

5,900*l.* for Salaries, &c. of Inspectors of Prisons;

48,817*l.* for the Mint;

90,950*l.* for Retired Allowances to Public Officers;

8,000*l.* for *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, and *St. Domingo* Sufferers, &c.;

1,850*l.* for the Vaccine Establishment;

3,000*l.* Refuge for Destitute;

3,390*l.* for Criminal Lunatics;

4,100*l.* for Dissenting Ministers, poor *French* Refugee Clergy, &c.;

39,900*l.* for Secret Services;

222,529*l.* for Stationery, &c. for Public Departments and

also of the contingent Expences connected with the public Duties of such Consuls General, Consuls, and Vice Consuls, and Superintendents of Trade; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Salaries and Expences of the Inspectors and Superintendents of Factories, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Five thousand nine hundred Pounds, to defray the Salaries and Expences of the Inspectors of Prisons, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Forty-eight thousand eight hundred and seventeen Pounds, to defray the Expenditure of the several Branches of the Mint, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Ninety thousand nine hundred and fifty Pounds, to defray the Charge of Allowances and Compensations to Persons formerly employed in the Public Offices or Departments, or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, *American* Loyalists, and others, who have heretofore received Allowances from Her Majesty, and who, for Services performed or Losses sustained in the *British* Service, have special Claims on Her Majesty's Justice and Liberality; and any Sum or Sums of Money not exceeding One thousand eight hundred and fifty Pounds, to defray the Expence of the National Vaccine Establishment in the Year One thousand eight hundred and forty; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards the Support of the Institution called the Refuge for the Destitute, for the Year One thousand eight hundred and forty; and any Sum or Sums of Money not exceeding Three thousand three hundred and ninety Pounds, to defray the Expence of confining and maintaining Criminal Lunatics in the Buildings attached to *Bethlem Hospital*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Four thousand one hundred Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Refugee Clergy, poor *French* Refugee Laity, and sundry small charitable and other Allowances to the Poor of *Saint Martin's in the Fields* and others; and any Sum or Sums of Money not exceeding Thirty-nine thousand nine hundred Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two hundred twenty-two thousand five hundred and twenty-nine Pounds, to defray the

the Expence of providing Stationery, Printing, and Binding for the several Departments of Government in *England, Scotland, and Ireland*, and the Colonies, and for providing Stationery, Binding, Printing, and Paper for Printing for the Two Houses of Parliament, including the Expences of the Stationery Office, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray the Expence of Law Charges, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seventy-three thousand and seventy-five Pounds to defray the Expence of the Convict Hulk Establishment at home and at *Bermuda*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two hundred and thirty-five thousand Pounds, to defray the Charge of maintaining Convicts at *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray Expences for the Support of captured Negroes and liberated *Africans*, under the Acts for the Abolition of the Slave Trade, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, to defray the Expences of the School of Design at *Somerset House*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty-one thousand Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the Allowances and Expences of the Barristers employed in revising Lists of Voters, under the Act to amend the Representation of the People in *England* and *Wales*; and any Sum or Sums of Money not exceeding Eleven thousand three hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, the Expences incurred by Sheriffs, formerly paid from Civil Contingencies, also to make good the Deficiency of the Fees in the Office of the Queen's Remembrancer in the Exchequer, and to pay the Salaries and ancient Allowances of certain Officers of the Court of Exchequer; and any Sum or Sums of Money not exceeding Ninety-eight thousand Pounds, to defray, in the Year One thousand eight hundred and forty, certain Charges heretofore paid out of the County Rates; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, for the Payment of the Subsistence of the *Polish* Refugees, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One thousand eight hundred Pounds, to enable the Trustees of the *British Museum* to purchase Mr. *Hawkins'* Collection of Saurian Remains; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to enable Her Majesty to make a Grant to Messieurs *Fourdrinier*, in consideration of the great Benefits conferred

the Houses of Parliament, &c.

35,000*l.* for Law Charges;

73,075*l.* for maintaining Convicts at home and at *Bermuda*;

235,000*l.* *New South Wales*, &c.;

25,000*l.* for captured Negroes, &c.;

1,300*l.* School of Design at *Somerset House*;

31,000*l.* for Revising Barristers under 2 & 3 W. 4. c. 45.;

11,300*l.* for Expences of Sheriffs, and Salaries, &c. of Officers of the Exchequer;

98,000*l.* for Charges paid out of County Rates;

13,000*l.* for *Polish* Refugees;

1,800*l.* Saurian Remains for *British Museum*;

7,000*l.* to Messrs. *Fourdrinier* for Machinery;

37,667*l.* to
Conde de Povoá
for Provisions,
&c. during the
Peninsular War;

50,000*l.* for *India*
Steam Com-
munication ;

58,700*l.* for
Stipendiary
Justices in
the Colonies ;

30,000*l.* for
emancipated
Negroes ;

3,540*l.* for
Colonial Land
and Emigration
Board, &c. ;

4,000*l.* for
the *Rideau*
Canal ;

61,263*l.* for
Expedition to
River *Niger* ;

76,800*l.* for
Law Expenses,
Universities,
&c. in *Scot-*
land ;

29,953*l.* and
28,800*l.* for the
British Museum ;

5,000*l.* for *Traf-*
algar Square ;
2,000*l.* Post Of-
fice at *Aberdeen* ;

conferred on the Public by the Introduction of their Machinery for the Improvement of the Manufacture of Paper ; and any Sum or Sums of Money not exceeding Thirty-seven thousand six hundred and sixty-seven Pounds, towards discharging the Balance remaining due to the late *H. T. Sampayo* Conde de *Povoá*, on the final Settlement of his Accounts for Supplies of Money and Provisions to the *British* Forces in the Peninsula during the War from One thousand eight hundred and eight to One thousand eight hundred and fourteen ; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, towards defraying the Expence of Steam Communication to *India* by Way of the *Red Sea*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Fifty-eight thousand seven hundred Pounds, to defray the Charge of the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the *West Indies*, *Mauritius*, and *Cape of Good Hope*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to defray, in the Year One thousand eight hundred and forty, such Expenses as Her Majesty may incur in aiding the local Legislatures in providing for the Religious and Moral Instruction of the emancipated Negro Population ; and any Sum or Sums of Money not exceeding Three thousand five hundred and forty Pounds, to defray a Portion of the Charge of the Colonial Land and Emigration Board, and the Salaries of the Agents for Emigration, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Charge of the Repair and Maintenance of the *Rideau* Canal in *Canada* in the Year One thousand eight hundred and forty ; and any Sum or Sums of Money not exceeding Sixty-one thousand two hundred and sixty-three Pounds, to defray the Expenses of the Expedition to the River *Niger*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Seventy-six thousand three hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and forty-one, Law Expenses, Grants to *Scottish* Universities, and other Charges formerly paid out of the Hereditary Revenues, and not provided for out of Her Majesty's Civil List nor out of the Consolidated Fund ; and any Sum or Sums of Money not exceeding Twenty-nine thousand nine hundred and fifty-three Pounds, for defraying the Charge of the *British Museum* for the Year ending *Lady Day* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Twenty-eight thousand eight hundred Pounds, for the Purchase of Property required for the Purposes of the *British Museum* ; and any Sum or Sums of Money not exceeding Five thousand Pounds, to complete the laying out of the Area of *Trafalgar Square* ; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge of erecting a new Post Office in the

the City of *Aberdeen*; and any Sum or Sums of Money not exceeding Two thousand five hundred and thirty Pounds Ten Shillings for the Purchase of Pictures for the National Gallery; and any Sum or Sums of Money not exceeding Eleven thousand three hundred Pounds, to defray the Amount of Law Expences incurred in carrying into execution the Act for the Improvement of the River *Shannon*; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expence of binding, cleaning, repairing, and indexing the Public Records, also to pay the Salaries of the Persons employed upon Services connected with the Public Records, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, for Public Education in *Great Britain*, in the Year One thousand eight hundred and forty; and any Sum or Sums of Money not exceeding Five thousand four hundred and eighteen Pounds, to defray the Expences of the University of *London* to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Five thousand Pounds, towards defraying, in the Year One thousand eight hundred and forty, the Expence of erecting a Hall at *Edinburgh* for the Use of the General Assembly of the Church of *Scotland*.

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Ten thousand four hundred and twenty-two Pounds, to defray the Expence of the Foundling Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Eighteen thousand four hundred and twenty Pounds, to defray the Expence of the House of Industry in *Dublin*, the Lunatic Department, and the Four General Hospitals attached, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expence of the Female Orphan House, *Circular Road*, in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards defraying the Expence of the *Westmoreland* Lock Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One thousand Pounds, towards defraying the Expence of the Lying-in Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expence of Doctor *Stevens's* Hospital in *Dublin*, to the Thirty-first Day

2,590*l.* 10*s.* Pictures, &c.;

11,300*l.* for Law Expences in improving the *Shannon*;
10,000*l.* for Public Records;

30,000*l.* Public Education;

5,418*l.* for University of *London*;

5,000*l.* for erecting a Hall at *Edinburgh*.

There shall be applied 50,000*l.* for the Advancement of Education in *Ireland*;

10,422*l.* for Foundling Hospital, *Dublin*;

18,420*l.* for the House of Industry, &c.;

1,000*l.* Female Orphan House;

2,500*l.* for the *Westmoreland* Lock Hospital;

1,000*l.* for Lying-in Hospital;

1,500*l.* for Dr. *Stevens's* Hospital;

3,800*l.* for the
Fever Hospital,
Dublin, &c. ;

500*l.* Hospital
for Incurables;

8,928*l.* for R. C.
College, *Ireland*;

300*l.* for Royal
Irish Academy;

300*l.* *Hibernian*
Academy ;

5,300*l.* Royal
Dublin Society.

There shall
be applied
700*l.* for Board
of Charitable
Bequests ;

1,950*l.* for
Royal *Belfast*
Academical
Institution ;

15,640*l.* for
Public Works ;

25,100*l.* for
Secretary to
Lord Lieute-
nant, &c. of
Ireland ;

12,464*l.* Sal-
aries, &c. of Lord
Lieutenant's
Household ;

4,659*l.* Paymas-
ter of Civil Ser-
vices, *Ireland* ;

Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, towards defraying the Expence of the Fever Hospital and House of Recovery, *Cork Street, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expence of the Hospital for Incurables, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and twenty-eight Pounds, to defray the Charge of the Roman Catholic College to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expence of the Royal *Irish Academy*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expence of the Royal *Hibernian Academy*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Five thousand three hundred Pounds, towards defraying the Expence of the Royal *Dublin Society*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one.

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Salary and Expences of the Commissioners of Charitable Donations and Bequests in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding One thousand nine hundred and fifty Pounds, to defray the Salaries and Expences of the Royal *Belfast Academical Institution* to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Fifteen thousand six hundred and forty Pounds, to defray the Expences of Public Buildings, &c. in the Department of the Commissioners for Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Twenty-five thousand one hundred Pounds, to pay the Salaries and Expences of the Chief Secretary to the Lord Lieutenant of *Ireland* in *Dublin* and *London*, and of Her Majesty's Privy Council Office in *Ireland*, also the Expence of Printing for the Public Offices in *Ireland*, and of Postage in the Chief Secretary's Offices, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Twelve thousand four hundred and sixty-four Pounds, to defray the Charge of the Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one ; and any Sum or Sums of Money not exceeding Four thousand six hundred and fifty-nine Pounds, to defray

defray the Charge of the Office of the Paymaster of Civil Services in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Four thousand one hundred and fifty Pounds, to defray the Charge for publishing Proclamations and printing the Statutes in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty-three thousand six hundred and sixty-one Pounds, to defray the Expence of Non-conforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seventy thousand Pounds, to defray the Charge of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Thirty-four thousand nine hundred and fifty-nine Pounds, towards defraying the Charge of the Public Offices and Metropolitan Police of *Dublin* to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Two thousand nine hundred and seventy-two Pounds, to defray the Charge of the Board of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one; and any Sum or Sums of Money not exceeding Three thousand six hundred and seventy-three Pounds, to defray the Charge of the Salaries and Expences of the Commissioners for the Improvement of the River *Shannon*, to the Thirty-first Day of *March* One thousand eight hundred and forty-one.

4,150*l.* for printing Proclamations, &c.

33,661*l.* for Dissenting Ministers;

70,000*l.* Law Charges, &c.;

34,959*l.* for the Police of *Dublin*;

2,972*l.* for Board of Public Works;

7,000*l.* Townland Survey;

3,673*l.* for Improvement of the River *Shannon*.

XIX. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Supplies to be applied only for the Purposes aforesaid.

XX. And as to the Sum of Five hundred and five thousand five hundred Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who

Rules to be observed in the Application of the Sum appropriated to Half Pay.

who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as hereinafter mentioned, nor in any such excepted Cases, unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and forty, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify

in

in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making or subscribing a Declaration in any Case in which an Oath or a Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and forty-one it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officers appointed to Civil Office or Employment under Her Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, or any Three or more of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of *April*, if Parliament shall be then sitting, or if Parliament shall not then be sitting on the First Day of the sitting of Parliament, after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

Half Pay shall have been allowed subsequent to preceding Accounts.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXI. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emoluments, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

2 & 3 Vict. c. 89.

XXII. ' And whereas a considerable Part of the Money ' appropriated on account of Half Pay by an Act passed in the ' Second and Third Years of the Reign of Her present Majesty, ' intituled *An Act to apply a Sum out of the Consolidated Fund, ' and the Surplus of Ways and Means, to the Service of the Year ' One thousand eight hundred and thirty-nine, and to appropriate ' the Supplies granted in this Session of Parliament, has been ' issued without requiring, by Persons issuing or paying, and ' without the taking by the Persons receiving Half Pay, the ' Oaths or Declarations prescribed to be taken by Officers ' claiming Half Pay; and Part of the said Monies has been ' paid to Officers claiming or entitled to Half Pay who at the ' same Time held and may still hold the Situation of and serve ' respectively as Surgeons, Serjeant Majors, Serjeants, Cor- ' porals, or Privates in the General or Local Militia, or ' Yeomanry or Volunteer Corps, in Great Britain or Ireland; ' and it is expedient that all such Persons should be indem- ' nified; Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are fully indemnified, and shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person*

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified.

as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing contained in any Act or Acts, or any Laws, Rules, or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

XXIII. 'And whereas the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that Provision should be now made for the Arrears of Half Pay to such Officers as aforesaid.' Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under Her Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay allowed to the Officers of the *Manx* Fencibles.

XXIV. 'And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in Possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in Possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid.' Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or have been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice, not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering

Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.

nistering Declarations to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preference in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

By 2 & 3 Vict. c. 89. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

XXV. 'And whereas by the said recited Act passed in the Second and Third Years of the Reign of Her present Majesty the several Supplies which had been granted to Her Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Five hundred and seventeen thousand Pounds in the whole was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and thirty-nine, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the said aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the said Sum of Five hundred and seventeen thousand Pounds as is or shall be more than sufficient to satisfy the said Reduced Officers, according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as, by reason of their long Service, or otherwise, Her Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers according to such Warrant or Warrants under Her Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act or the said Act to the contrary notwithstanding.

Widows and Persons claiming Pensions shall make the required Declaration.

XXVI. And as to the Sum of One hundred and forty-two thousand nine hundred and eighty-four Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces as aforesaid, and as to the Sum of One hundred and twenty-seven thousand three hundred Pounds by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and of Pensions to Officers for Wounds, as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

XXVII. And be it enacted, That every such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, or before the resident Minister of the Established Church in any Parish in *England, Scotland, or Ireland*, or before any of the Persons appointed

appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of the Reign of His said late Majesty for the Abolition of unnecessary Oaths.

CAP. CXIII.

An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues. [11th August 1840.]

4d5 Vc 39
5d6 Vc 28 18
Vc 188 14 14
8d1 Vc 37, 77

‘ WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage, constituting the Ecclesiastical Commissioners for England to be One Body Politic and Corporate for the Purposes set forth in the said Act: And whereas the Commissioners first mentioned in the said Act, in their Fourth Report to His late Majesty, bearing Date the Twenty-fourth Day of June in the Year One thousand eight hundred and thirty-six, made certain Recommendations touching Cathedral and Collegiate Churches, and other Things in the said Report specified: And whereas it is expedient that the said Recommendations should be adopted, with certain Alterations:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from henceforth all the Members of Chapter, except the Dean, in every Cathedral and Collegiate Church in *England*, and in the Cathedral Churches of *Saint David* and *Llandaff*, shall be styled Canons; and the Precentor of the Cathedral Church of *Saint David* and the Warden of the Collegiate Church of *Manchester* shall be respectively styled Dean.*

Members of Chapters to be Deans and Canons.

II. And be it enacted, That, subject to the Provisions hereinafter contained, the Number of Canons in the several Cathedral and Collegiate Churches of the New Foundation, and in the Cathedral Churches of *Saint David* and *Llandaff*, and in the Queen’s Free Chapel of *Saint George* within the Castle of *Windsor*, and of Canons Residentiary in the several Cathedral Churches of the Old Foundation in *England*, shall be the Number respectively specified in the Schedule hereto annexed.

Number of Canons.

III. And be it enacted, That in every Cathedral and Collegiate Church the Term of Residence to be kept by every Dean thereof hereafter appointed shall be Eight Months at the least in every Year, and the Term of Residence to be kept by

Residence of Dean and Canons.

every Canon thereof hereafter appointed shall be Three Months at the least in every Year.

Six Canonries
suspended at
Canterbury.

IV. And be it enacted, That in the Chapter of the Cathedral Church of *Canterbury* Six Canonries shall be suspended in the following Order; that is to say, the Canonry firstly vacant shall be suspended; and the Canonry now held by the Archdeacon of *Canterbury* and the Canonry secondly vacant shall be subject to the Provisions herein-after contained respecting the Endowment of Archdeaconries by the Annexation of Canonries thereto; and the Canonry thirdly vacant shall be suspended, and the Canonry fourthly vacant shall be filled up by Her Majesty; and the Two Canonries fifthly and sixthly vacant shall be suspended, and the then next vacant Canonry shall be filled up by Her Majesty; and the Two Canonries which shall then next be vacant shall be suspended; and that thereafter, upon every Fourth Vacancy among the Canonries not annexed to any Archdeaconry, the Lord Archbishop of *Canterbury* shall appoint a Canon, and all other Vacancies among such last-mentioned Canonries shall be filled up by Her Majesty.

Canonry at
Christchurch
annexed to a
Professorship
instead of Ca-
nonry at Wor-
cester.

V. And be it enacted, That in the Chapter of *Christchurch* in *Oxford* the first vacant Canonry, not being One of the Two Canonries which are respectively annexed to Regius Professorships in the University of *Oxford*, shall immediately become and be permanently annexed and united to the Lady *Margaret's* Professorship of Divinity in the said University, and shall and may be held by the present and every future Lady *Margaret's* Professor of Divinity therein; and that upon such Annexation as aforesaid the Canonry in the Cathedral Church of *Worcester*, which is now annexed to the last-mentioned Professorship, shall be *ipso facto* detached therefrom, and shall become vacant; and the Canonry secondly vacant in the said Chapter of *Christchurch* shall be subject to the Provisions herein-after contained respecting the Endowment of Archdeaconries by the Annexation of Canonries thereto.

Two Canonries
at Christchurch
annexed to new
Professorships
in the Univer-
sity of Oxford.

VI. 'And whereas Her Majesty has graciously intimated to Parliament Her Royal Will and Intention to found Two new Professorships in the said University of *Oxford*, and it is expedient that the same should be competently endowed;' be it therefore enacted, That the Two Canonries in the said Chapter of *Christchurch* (not being either of them a Canonry annexed or to be annexed to any of the Professorships already founded in the said Universty) which shall be thirdly and fourthly vacant shall, upon the Vacancies thereof respectively, and the Foundation of such Professorships respectively, become and be permanently annexed and united thereto, in such Order as Her Majesty shall, in and by Her Royal Letters Patent founding such Professorships, direct and appoint; and if either of such last-mentioned Canonries be vacant before the Foundation of such Professorships, the same shall not be filled up until after such Foundation; and after such Annexation the said Canonries shall and may be held by the Holders of such Professorships respectively for the Time being; provided that

if

if the Member of any College or Hall in the said University except *Christchurch* shall hereafter accept any Professorship to which a Canonry of *Christchurch* is or shall be annexed, he shall thereby cease to be a Member of such other College or Hall.

VII. And be it enacted, That, except as herein particularly specified, nothing in this Act contained shall in any Manner affect or apply to the Cathedral Church of *Christ* in *Oxford*.

Act not to apply otherwise to *Christchurch*.

VIII. And be it enacted, That in the Chapters of the Cathedral Churches of *Durham* and *Worcester* and of the Collegiate Church of *Saint Peter Westminster* respectively Six Canonries shall be suspended in the following Order; (that is to say,) the first Two vacant Canonries shall be suspended, and the Canonry thirdly vacant shall be filled up; and the Two Canonries fourthly and fifthly vacant shall be suspended, and the then next vacant Canonry shall be filled up; and the Two Canonries which shall then next be vacant shall be suspended.

Six Canonries suspended at *Durham*, *Worcester*, and *Westminster*

IX. And be it enacted, That in the Chapter of the Queen's Free Chapel of *Saint George* within Her Castle of *Windsor* Eight Canonries shall be suspended in the following Order; (that is to say,) the first Two vacant Canonries shall be suspended, and the Canonry thirdly vacant shall be filled up; and the Two Canonries fourthly and fifthly vacant shall be suspended, and the then next vacant Canonry shall be filled up; and the Two Canonries which shall then next be vacant shall be suspended, and the then next vacant Canonry shall be filled up; and the Two Canonries which shall then next be vacant shall be suspended.

Eight Canonries suspended at *Windsor*.

X. And be it enacted, That in the Chapter of the Cathedral Church of *Winchester* Seven Canonries shall be suspended in the following Order; (that is to say,) the Two Canonries secondly and thirdly vacant shall be suspended, and the Canonry fourthly vacant shall be filled up; and the Two Canonries fifthly and sixthly vacant shall be suspended, and the then next vacant Canonry shall be filled up; and the Two Canonries eighthly and ninthly vacant shall be suspended, and the then next vacant Canonry shall be filled up; and the Canonry which shall then next be vacant shall be suspended.

Seven Canonries suspended at *Winchester*.

XI. And be it enacted, That in the Chapter of the Cathedral Church of *Exeter* Three Canonries shall be suspended; (that is to say,) the Canonry held in Commendam with the Bishoprick of *Exeter* shall immediately upon the Vacancy thereof be suspended, and the Two Canonries thirdly and fourthly vacant (not being either of them the Canonry so held in Commendam) shall be also suspended; and the Canonry secondly vacant shall be subject to the Provisions herein-after contained respecting the Endowment of Archdeaconries by the Annexation of Canonries thereto.

Three Canonries suspended at *Exeter*.

XII. And be it enacted, That so soon as conveniently may be, and by the Authority herein-after provided, the Two Canonries in the Chapter of the Cathedral Church of *Ely* which shall be secondly and thirdly vacant shall be permanently annexed

Two Canonries at *Ely* to be annexed to Professorships at *Cambridge*.

and united to the Regius Professorships of Hebrew and Greek respectively in the University of *Cambridge*.

Two Canonries
suspended at
Bristol, Chester,
Ely, Gloucester,
Lichfield, Nor-
wich, Peter-
borough, Ripon,
Rochester, Sa-
lisbury, and
Wells, respec-
tively.

XIII. And be it enacted, That in the Chapters of the Cathedral Churches of *Bristol, Chester, Ely, Gloucester, Lichfield, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells* respectively, Two Canonries shall be suspended in the following Order; (that is to say,) in the said Churches of *Bristol, Chester, Gloucester, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells* respectively the first vacant Canonry shall be suspended, and the Canonry secondly vacant shall be filled up, and the Canonry thirdly vacant shall be suspended, and the Sub-Deanery in the said Church of *Ripon* shall, immediately upon the Vacancy thereof, be also suspended; and that in the Chapter of the said Church of *Ely* the Two Canonries fourthly and fifthly vacant shall be suspended; and that in the Chapter of the said Church of *Lichfield* the first vacant Canonry shall be suspended, and the Canonry annexed to the Rectory of the Church of *Saint Philip* in *Birmingham* shall, immediately upon the first Vacancy thereof, be detached from the said Rectory, and be also suspended; and that in the Chapter of the said Church of *Peterborough* the Canonry secondly vacant shall be subject to the Provisions herein-after contained for the Endowment of Archdeaconries by the Annexation of Canonries thereto.

One Canonry
suspended at
Hereford.

Proviso respect-
ing the Suspend-
ion of Canon-
ries.

XIV. And be it enacted, That in the Cathedral Church of *Hereford* the first vacant Canonry shall be suspended.

XV. Provided always, and be it enacted, That the Provisions herein-before contained respecting the Suspension of Canonries shall not be construed to extend to the Suspension of the Canonry in the said Chapter of *Canterbury* now held by the Archdeacon of *Canterbury*, or of any Canonry in the said Chapter of *Ely* which may be annexed to any Professorship in the University of *Cambridge*, or of the Canonry in the said Cathedral Church of *Durham* which is prospectively annexed to the Archdeaconry of *Durham* by an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for separating the Rectory of Easington in the County and Diocese of Durham from the Archdeaconry of Durham, and annexing in lieu thereof a Prebend or Canonry founded in the Cathedral Church of Durham*, or of either of the Canonries in the said Collegiate Church of *Saint Peter Westminster* to which the Rectories of *Saint Margaret* and *Saint John Westminster* are herein-after respectively annexed, or of the Canonry in the said Cathedral Church of *Gloucester* which is annexed to the Mastership of *Pembroke College* in *Oxford*, or of either of the Canonries in the said Cathedral Church of *Rochester* which are respectively annexed to the Provostship of *Oriel College* in *Oxford*, and to the Archdeaconry of *Rochester*, or of the Canonry in the said Cathedral Church of *Norwich* which is annexed to the Mastership of *Catherine Hall* in *Cambridge*, or of the Canonry in the said Cathedral Church of *Salisbury* which is connected with the Residentiary House called *Leydon* or *Leaden*

Leaden Hall, or of any Canonry in any Cathedral or Collegiate Church which shall hereafter, under the Authority of this Act, be permanently annexed to any Archdeaconry or Archdeaconries, or to any Office in the University of *Durham*; but that if any Canonry so held annexed or connected or to be annexed shall be vacant in such Order as that according to the said last-mentioned Provisions it would be one of the Canonries to be suspended, the Vacancy thereof shall not be counted as a Vacancy subject to such Provisions; and that upon the passing of this Act all then subsisting Vacancies of Canonries shall be deemed Vacancies within the Meaning of the said last-mentioned Provisions and of this Proviso, and shall be counted, subject also to this Proviso, in the numerical Order in which they shall have occurred.

XVI. Provided always, and be it enacted, That in any Cathedral Church in which by the Suspension of Canonries the Number of Canons shall be reduced to Four, One of such suspended Canonries may by the Authority herein-after provided, if it be deemed necessary for the Purpose of endowing any Archdeaconry or Archdeaconries, be filled up, subject to the Provisions herein-after contained respecting the Endowment of Archdeaconries by the Annexation of Canonries thereto.

One suspended Canonry may be filled up to endow Archdeaconries.

XVII. And be it enacted, That in the Chapters of the Cathedral Churches of *Saint Paul* in *London* and of *Lincoln* respectively there shall be a Fourth Canonry, and such Canonry shall be in the Patronage of the Bishops of *London* and *Lincoln* respectively, subject nevertheless to the Limitation as to the Exercise of such Patronage herein-after contained.

A Fourth Canonry founded at St. Paul's London and at Lincoln.

XVIII. And be it enacted, That in the Collegiate Church of *Southwell* the Canonries now vacant, and all the other Canonries except the Canonry now held by the Archdeacon of *Nottingham*, as Vacancies occur, shall be suspended.

All Canonries but One suspended at Southwell. 4+5+6+3 = 12

XIX. And be it enacted, That no Appointment shall hereafter be made to any Canonry in either of the Cathedral Churches of *Saint David* or *Llandaff*, excepting any Canonry by the Vacancy of which the Canons shall be reduced below the Number of Two; and that all Canonries vacant previously to such Reduction shall be suspended.

All Canonries but Two suspended at St. David's and Llandaff.

XX. And be it enacted, That a Plan may from Time to Time be laid before the Ecclesiastical Commissioners for *England* by any of the said Chapters of the several Cathedral and Collegiate Churches, with the Sanction of the Visitors of the said Churches respectively, for removing the Suspension from and re-establishing any Canonry or Canonries which shall have been suspended by or under the Provisions of this Act, by assigning towards the Re-endowment of any such Canonry or Canonries a Portion of the divisible Corporate Revenues remaining to the said Chapters respectively, after paying to the said Ecclesiastical Commissioners the Profits and Emoluments accruing to the said Commissioners from the suspended Canonry or Canonries, so that the Profits and Emoluments of such

Power to remove the Suspension from Canonries under special Circumstances.

suspended Canonry or Canonries be not diminished by the Removal of such Suspension; and also by accepting and assigning for the same Purpose any further Endowment in Money, or in Lands, Tithes, or other Hereditaments, such Lands, Tithes, or other Hereditaments not exceeding in yearly Value the Sum of Two hundred Pounds for each Canonry from which the Suspension shall have been so removed; and also by annexing to any such Canonry from which the Suspension shall have been so removed any suitable Benefice or other Preferment in the Patronage of the said Chapters respectively, or of any other Patron, with the Consent of such Patron, and where any Bishop is Patron, with Consent of the Archbishop; and any such Plan may be carried into effect by the Authority herein-after provided, and such Alterations may be made in the existing Statutes and Rules of the said Chapters respectively, as the Case may require, under the Authority herein provided for making Alterations in existing Statutes.

Non-residen-
tiary Deaneries
suppressed.

XXI. And be it enacted, That no new Appointment shall be made to the Deaneries of *Wolverhampton*, *Middleham*, *Heytesbury*, and *Brecon* respectively, but that the said Deaneries shall, as to any which may be vacant at the passing of this Act, immediately upon its so passing, and as to any other immediately upon the Vacancy thereof, be suppressed.

Non-residen-
tiary Prebends
and Offices not
to give Right
to any Endow-
ment.

XXII. And be it enacted, subject to the Provisions herein-after contained, That after the passing of this Act no Presentation, Collation, Donation, Admission, Election, or other Appointment to the Dignity or Office of Sub-Dean, Chancellor of the Church, Vice Chancellor, Treasurer, Provost, Precentor, or Succentor, nor to any Prebend not residentiary, in any Cathedral or Collegiate Church in *England*, or in the Cathedral Churches of *Saint David* and *Llandaff*, or in the Collegiate Church of *Brecon*, shall convey any Right or Title whatsoever to any Lands, Tithes, or other Hereditaments, or any other Endowment or Emolument whatsoever, now belonging to such Dignity, Office, or Prebend, or enjoyed by the Holder thereof in right of such Dignity, Office, or Prebend, or any Part thereof; provided that nothing herein contained shall be construed to deprive any present or future Holder of any Office in any Cathedral or Collegiate Church, actually performing Duties in respect of such Office, of any Stipend or other Emolument heretofore accustomedly assigned to such Office, or paid to the Holder thereof, according to the Statutes of such Church, out of the Revenues thereof.

Foundation
of Honorary
Canonries.

XXIII. 'And whereas it is expedient that all Bishops should be empowered to confer Distinctions of Honour upon deserving Clergymen;' be it enacted, That Honorary Canonries shall be hereby founded in every Cathedral Church in *England* in which there are not already founded any Non-residentiary Prebends, Dignities, or Offices; and the Holders of such Canonries shall be styled Honorary Canons, and shall be entitled to Stalls, and to take Rank in the Cathedral Church next after the Canons, and shall be subject to such Regulations

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lations respecting the Mode of their Appointment, and otherwise, as shall be determined on by the Authority herein-after provided, with the Consent of the Chapters of the said Cathedral Churches respectively; and the Number of such Honorary Canonries hereby founded in each Cathedral Church shall be Twenty-four; and it shall be lawful for the Archbishops and Bishops respectively, if they shall think fit, from Time to Time, to appoint Spiritual Persons to such Honorary Canonries; provided that not more than Eight of such Honorary Canons shall be appointed in any Diocese within the Year next after the passing of this Act, nor more than Two in any subsequent Year, except in the Case of the Vacancy of any Honorary Canonry by Death, Resignation, or otherwise; provided also, that no Emolument whatever, nor any Place in the Chapter of any Cathedral Church, shall be taken or held by any Honorary Canon in virtue of his Appointment as such Canon.

XXIV. And be it enacted, That the Deanery of every Cathedral and Collegiate Church upon the old Foundation, excepting *Wales*, and the Three existing Canonries in the Cathedral Church of *Saint Paul* in *London*, shall henceforth be in the direct Patronage of Her Majesty, who shall and may, upon the Vacancy of any such Deanery or Canonry, appoint, by Letters Patent, a Spiritual Person to be Dean or Canon, as the Case may be, who shall thereupon be entitled to Installation as Dean or Canon of the Church to which he may be so appointed.

Deans of old Cathedrals and Three Canons of St. Paul's to be appointed by Her Majesty.

445 to 39 86

XXV. And be it enacted, That in the Cathedral Church of *York*, so soon as a Vacancy shall occur in the Deanery, and in the Cathedral Churches of *Chichester*, *Exeter*, *Hereford*, *Salisbury*, and *Wells* respectively, so soon as every Person who was a Member of the respective Chapters of such Churches at the passing of this Act shall cease to be such Member, all the said Canonries shall be in the direct Patronage of the Lord Archbishop of *York* and of the Bishops of the said respective Sees, as the Case may be, who shall respectively, upon the Vacancy of any Canonry in such Churches respectively, collate thereto a Spiritual Person, who shall thereupon be entitled to Installation as a Canon of the Church to which he shall be so collated.

Canons of Cathedrals to be appointed by the Bishops.

XXVI. And be it enacted, That in the Cathedral Church of *Ripon* the Canonries shall from henceforth be in the Patronage of the Bishop of *Ripon* for the Time being, and not of the Archbishop of *York*, and that it shall not be necessary for the Person to be appointed a Canon in the said Church to be nominated by the Chapter thereof; and that the Bishop of *Ripon* for the Time being shall be the Visitor of the said Chapter, and not the said Archbishop of *York*; and that in the Collegiate Church of *Manchester*, so soon as the See of *Manchester* shall have been founded, and every Person who shall be a Member of the said Chapter at the passing of this Act shall have ceased to be such Member, the Canonries shall be in the direct Patronage of the Bishop of *Manchester* for the Time being, who may, upon the Vacancy of any Canonry,

Canons of Ripon and Manchester to be appointed by the respective Bishops.

collate thereto a Spiritual Person, who shall thereupon be entitled to Installation as a Canon of the said last-mentioned Church.

Qualification
of Deans, Arch-
deacons, and
Canons.

XXVII. And be it enacted, That no Person shall hereafter be capable of receiving the Appointment of Dean, Archdeacon, or Canon until he shall have been Six Years complete in Priest's Orders, except in the Case of a Canonry annexed to any Professorship, Headship, or other Office in any University.

Repeal of Sta-
tutes and Cus-
toms for appro-
priating separ-
ate Estates.

XXVIII. And be it enacted, That in every Cathedral or Collegiate Chapter wherein there exists any Statute or Custom for assigning to the Dean or to any Canon any Land, Tithes, or other Hereditament, in addition to his Share of the Corporate Revenues, or for appropriating separately to the Dean or any Canon during his Incumbency the Proceeds of any Land, Tithes, or other Hereditament, Part of the Corporate Property of the Chapter, every such Statute and Custom, or every such Part thereof as relates to such Assignment or Appropriation, shall be repealed and annulled as to all Deans and Canons hereafter appointed: Provided nevertheless, that any small Portion of Land situate within the Limits and Precincts of any Cathedral or Collegiate Church, or in the Vicinity of any Residentiary House, may be reserved to such Church, or permanently annexed to such Residentiary House, by the Authority herein-after provided.

Annexation of
St. Margaret's
and St. John's
to Two Canon-
ries of West-
minster.

XXIX. And be it enacted, That the Rectory of the Parish of *Saint Margaret* in the City of *Westminster* shall immediately become and be permanently annexed and united to the Canonry in the said Collegiate Church of *Saint Peter Westminster* held by *Henry Hart Milman* Clerk, Master of Arts, and the Rectory of the Parish of *Saint John* in the same City shall immediately become and be permanently annexed and united to the Canonry in the same Church held by *John Jennings* Clerk, Master of Arts; and the said *Henry Hart Milman* and his Successors, and the Successors of the said *John Jennings*, in the said respective Canonries, shall, as Canons of the said Church, become *ipso facto* Rectors of the said respective Parishes and the Parish Churches thereof, to all Intents and Purposes; and the said Parishes shall become and be Part of the Province of *Canterbury*, of the Diocese of *London*, and of the Archdeaconry of *Middlesex*; and the said Parishes, and the Rectors and other Ministers and Officers thereof, shall, in Ecclesiastical Matters, be subject only to the Jurisdiction of the Archbishop of *Canterbury*, the Bishop of *London*, and the Archdeacon of *Middlesex* respectively, in the same Manner as other Parishes in the said Province, Diocese, and Archdeaconry are respectively subject thereto, and be exempted and relieved from all other Ecclesiastical Jurisdiction whatsoever: Provided always, that nothing herein contained shall in any Manner affect or pre-judice any of the Rights, Customs, or Claims of the Parishioners of the said Parish of *Saint Margaret*, or the Vestry or Church-wardens thereof for the Time being, nor render them liable to

or chargeable with the Repairs of the said *Broadway Chapel* further or otherwise than as they now are or may become liable thereto by any Law in force at the Time of the passing of this Act.

XXX. And be it enacted, That such One of the Prebendal Houses belonging to the Chapter of the said Collegiate Church of *Saint Peter Westminster* as shall be determined on by the Authority herein-after provided shall be, as soon as conveniently may be, exempted from the Rule of Option subsisting in the Chapter thereof, and be permanently annexed to the said Canonry now held by the said *Henry Hart Milman*, and shall thenceforth be the House of Residence for the Rector of the said Parish of *Saint Margaret* for the Time being.

Rectory House
of St. Margaret's.

XXXI. And be it enacted, That when and so often as, according to the Statutes or Usages of the Chapter of the said Collegiate Church of *Saint Peter Westminster*, any Dividend or Division shall be made of any Profits or Emoluments, from whatever Source accruing, or any Stipend or other Sum of Money shall become payable to the Members of the said Chapter as such Members, the Shares of such Profits and Emoluments, which, according to such Statutes or Usages, shall be found to belong to the said Two last-mentioned Canonries, or the Incumbents thereof respectively, and every such Stipend or other Sum of Money so payable to such Incumbents respectively, instead of being paid to such Incumbents or either of them, shall, by the Treasurer for the Time being of the said Chapter, be divided into Twelve equal Parts; and Eight only of such Parts shall be paid to or for the Use of the Incumbents for the Time being of the said Canonries respectively, and the remaining Four Parts shall be paid in such Manner and to such Uses as shall by the Authority herein-after provided be directed: Provided always, that so much of the last-mentioned Monies as shall appertain to the Canonry now held by the said *Henry Hart Milman* shall be applied, in such Proportions as by the like Authority shall be determined, towards providing a House or Houses of Residence for the Minister or Ministers of One or more District Church or Churches in the said Parish of *Saint Margaret*, and for endowing such Minister or Ministers, and the Minister of *Broadway Chapel* in the same Parish; and so much of the said Monies as shall appertain to the Canonry now held by the said *John Jennings* shall be in like Manner applied towards providing a House or Houses of Residence for the Minister or Ministers of One or more District Church or Churches in the said Parish of *Saint John*, and for endowing such Minister or Ministers.

Division and
Application of
the Revenues of
the Two Canonries of
Westminster.

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XXXII. 'And whereas, under the first-recited Act, certain new Archdeaconries therein named may, by the Authority thereby provided, be created, and Districts may be assigned thereto, and the Limits of the existing Archdeaconries and Rural Deaneries may be newly arranged: And whereas it is expedient to extend the Power of creating new Archdeaconries and Rural Deaneries;' be it enacted, That in any Case in

New Archdeaconries and Rural Deaneries may be formed.

which

which it shall appear, upon the Representation of the Bishop, to be proper to divide any Archdeaconry or Rural Deanery on account of the Magnitude thereof, or any other peculiar Circumstance connected therewith, such Archdeaconry or Rural Deanery may, by the Authority herein-after provided, be divided into Two or more Portions, and each of such Portions may be constituted a separate Archdeaconry or Rural Deanery, as the Case may be, and a District may be assigned thereto; provided always, that no such Division shall be made without the Consent of the Bishop under his Hand and Seal.

Bishops of London and Lincoln may appoint an Archdeacon to the new Canonry of St. Paul's and Lincoln.

XXXIII. And be it enacted, That the Bishops of *London* and *Lincoln* respectively may forthwith and from Time to Time appoint One of the Archdeacons of their respective Dioceses to the new Canonries hereby added to the respective Chapters of the Cathedral Churches of *Saint Paul* in *London* and of *Lincoln*; and that every Archdeacon so appointed to a Canonry shall thereupon become and be a Canon of the Cathedral Church of *Saint Paul* or *Lincoln*, and a Member of the Chapter of such Church, to all Intents and Purposes, and possessed of and entitled to the like Rights, Privileges, Dignities, and Emoluments as are possessed by other Canons in the same Church, subject nevertheless to the Provisions herein contained.

Provision for Archdeacons.

XXXIV. And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, subject to the Consent of the Bishop, any Archdeaconry may be endowed by the Annexation either of an entire Canonry or of a Canonry charged with the Payment of such Portion of its Income as shall be determined on towards providing for another Archdeacon in the same Diocese, or with such last-mentioned Portion of the Income of a Canonry, or by Augmentation out of the common Fund herein-after mentioned, provided that the said Augmentation shall not be such as to raise the average annual Income of any Archdeaconry to an Amount exceeding Two hundred Pounds; and that no Canonry shall be so charged with the Payment of a Portion of the Income thereof to any Archdeacon, unless the average annual Income of such Canonry, after the Payment of such Portion as aforesaid, shall amount to or exceed Five hundred Pounds: Provided always, that no Archdeacon shall be entitled to hold any Endowment or Augmentation, or other Emolument as such Archdeacon under the Provisions of this Act, unless he shall be resident for the Space of Eight Months in every Year within the Diocese in which his Archdeaconry is situate, or as to any present Archdeacon, within the Diocese in which his Archdeaconry was situate before the passing of the first-recited Act, subject to the same Provisions as to Licences for Non-residence which are enacted with respect to Incumbents of Benefices by an Act passed in the Second Year of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.*

1&2 Vict. c. 106.

XXXV. And

XXXV. And be it enacted, That instead of appointing One Archdeacon to either of the new Canonries respectively founded in the Cathedral Churches of *Saint Paul* in *London* and of *Lincoln*, or of annexing a Canonry in any Cathedral or Collegiate Church to an Archdeaconry as aforesaid charged with any Payment to another Archdeacon in the same Diocese, the Rights, Duties, and Emoluments of any Canonry, the average annual Income of which may exceed Eight hundred Pounds, may, by the Authority herein-after provided, be annexed to Two Archdeaconries jointly within the same Diocese, not otherwise competently endowed, each Archdeacon taking his Turn of Residence for such Time, and taking such Share of the Emoluments, as shall be directed by the Scheme and Order authorizing such Annexation; and each Archdeacon shall during his Turn of Residence have all the Rights and Privileges of a Canon (except as to the Division of the Emoluments); and every future Archdeacon whose Archdeaconry shall be endowed as last aforesaid shall be deemed the Holder of Cathedral Preferment within the Meaning of the last-recited Act.

Further Provision for Archdeaconries.
405 Kc 39 17

XXXVI. And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, the Canonry remaining in the Collegiate Church of *Southwell* shall be annexed to the Archdeaconry of *Nottingham*, and a better Provision shall be made for the Cure of Souls in the Parish of *Southwell* by the Application of so much of the Revenues arising from the suspended Canonries in the Collegiate Church of *Southwell*, and in such Manner as shall by the like Authority be determined on.

Provision for the Archdeaconry of Nottingham and the Parish of Southwell.
405 Kc 39 01

XXXVII. And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, such Arrangements shall be made with respect to the Deanery and Canonries in the Cathedral Church of *Durham*, and their Revenues, as, upon due Inquiry and Consideration of an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act to enable the Dean and Chapter of Durham to appropriate Part of the Property of their Church to the Establishment of a University in connexion therewith for the Advancement of Learning*, and of the Engagements entered into by *William* late Bishop of *Durham* and the Dean and Chapter of *Durham*, shall be determined on, with a view to maintaining the said University in a State of Respectability and Efficiency; provided that in such Arrangements due regard shall be had to the just Claims of any existing Officer of the said University.

Further Provision for the University of Durham.
405 Kc 39 01

2 & 3 W. 4. c. 19.

XXXVIII. And be it enacted, That the Canonries of the Cathedral Church of *Saint David* shall be in the direct Patronage of the Bishop of *Saint David's*, and that so soon as conveniently may be the Canons may be respectively instituted or licensed, as the Case may be, to the Cure of Souls in the Parish of *Saint David*; and the whole divisible Corporate Revenues shall be divided into Twenty-four Parts, Ten of which Parts shall be assigned to the Dean, and Five to each

Provision for the Chapter of St. David's and the Archdeaconry of Cardigan.
405 Kc 39 13
not appointed
607 Kc 77 13

Canon,

Provision for
Archdeacons
of Brecon and
Carmarthen.

4456 39 & 14

Provision for
the Chapter of
Llandaff.

4456 39 & 14
not repealed by
647 & 677 5

Separate Pa-
tronage of
Members of
Chapters to be
vested in the
Bishops.

4456 39 & 12

Spiritual Per-
son not to sell
or assign any
Right of Pa-
tronage.

Haseley Recto-
ry to be severed
from the Dean-
ery of Windsor.

Canon, and the remaining Four Parts shall be assigned as an Endowment to the Archdeacon of *Cardigan*.

XXXIX. And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, due Provision shall be made out of the Endowments belonging to the Prebends in the Collegiate Church of *Brecon* for the Archdeacons of *Brecon* and *Carmarthen*.

XL. And be it enacted, That the Archdeacon of *Llandaff* shall from henceforth be also Dean of the Cathedral Church of *Llandaff*, and that, so soon as conveniently may be, the Canons of the said Church may be instituted or licensed, as the Case may be, to the Cure of Souls in the Parishes of *Llandaff* and *Whitchurch* respectively; and, after the Reservation to the Lord Bishop of *Llandaff* of One Seventh Part (being his present Share) of the whole divisible Corporate Revenues, the Remainder thereof shall be divided among the Three Members of the Chapter, in the Proportions of One Half to the Dean and One Quarter to each of the Canons.

XLI. And be it enacted, That, subject to the Provisions herein-after contained, the Patronage of all Benefices with Cure of Souls possessed by Deans and other individual Members of Chapters in right of any separate Estates held by them as such Members, or possessed by Prebendaries, Dignitaries, or Officers not residentiary, in right of their Prebends, Dignities, or Offices respectively, shall be transferred to and vested in the respective Bishops of the Dioceses in which the Benefices shall be respectively situate, subject nevertheless to all such Provisions respecting the Apportionment or Exchange of Ecclesiastical Patronage as are contained in the first herein-before recited Act: Provided always, with respect to any Benefice now or heretofore possessed by any Dean in right of any separate Estate held by him as such Dean, that every future Dean of the same Deanery may, upon any Vacancy of such Benefice, present himself thereto; that with respect to Benefices in the Patronage of the Prebendaries of the Collegiate Church of *Southwell*, the same shall, so soon as conveniently may be, and by the Authority herein-after provided, be transferred so as to become vested, as the Prebends fall in respectively, partly in the Bishop of *Ripon* and partly in the Bishop of *Manchester*, in such Proportion as shall be determined on; and that upon the Vacancy of any such last-mentioned Benefice before the Patronage thereof shall have been so transferred as aforesaid it shall be lawful for the Bishop of *Ripon* for the Time being to present thereto.

XLII. And be it enacted, That it shall not be lawful for any Spiritual Person to sell or assign any Patronage or Presentation belonging to him by virtue of any Dignity or Spiritual Office held by him, and that every such Sale or Assignment shall be null and void to all Intents and Purposes.

XLIII. And be it enacted, That in the Construction of this Act the said Free Chapel of *Saint George* in *Windsor* shall be held to be included in the Term Collegiate Church, and that immediately

immediately upon the first Vacancy of the Deanery of the said Free Chapel so much of an Act passed in the Reign of Queen *Anne*, for annexing the Rectory or Parsonage of *Haseley* to the Deanery of the said Free Chapel, as relates to the Rectory, Parsonage, and Parish of *Haseley*, shall be repealed, and the Rectory of *Haseley* in the County of *Oxford* shall be absolutely detached and dissevered from the said Deanery, and, subject to such Appropriation of the Revenues thereof as shall be determined on by the Authority herein-after provided, shall be in the Patronage of the Chapter of the said Chapel: Provided always, that such Patronage shall in the first instance be exercised in favour of *William Birckett* Clerk, if at the Time of such Vacancy he shall be Curate of the Parish of *Haseley*.

XLIV. And be it enacted, That upon the Vacancy of any Benefice in the Patronage of the Chapter of any Cathedral or Collegiate Church, the Chapter shall present or nominate thereto either a Member of such Chapter, or one of the Archdeacons of the Diocese, or a non-residentiary Prebendary or Honorary Canon, as the Case may be, or any Spiritual Person who shall have served for Five Years at the least in the Office of Minor Canon or Lecturer of the same Church, or of Master of the Grammar or other School (if any) attached to or connected with such Church, or as Incumbent or Curate in the same Diocese, or as public Tutor in either of the Universities of *Oxford* and *Cambridge*, or who, so far as relates to the Cathedral Church of *Durham*, shall have served for the like Term in the Office of Professor, Reader, Lecturer, or Tutor in the said University of *Durham*, or shall have been educated thereat, and shall be a Licentiate or Graduate in Theology therein, or who shall have served as Incumbent or Curate within the same Diocese for the Period aforesaid; and that every such Office of Minor Canon, Lecturer, Schoolmaster, Professor, Reader, Lecturer, or Tutor shall immediately upon the Expiration of One Year from the Time of his Institution to such Benefice, if not previously resigned, become and be vacant; and that if neither a Member of the Chapter nor an Archdeacon of the Diocese, nor a Minor Canon nor Lecturer, nor such Scholomaster, Incumbent, or Curate, Professor, Reader, Lecturer, Tutor, Licentiate, or Graduate, as the Case may be, shall be presented or nominated to such Benefice within Six Calendar Months from the Time of the Vacancy thereof, the Bishop of the Diocese in which the same is situate may within the next Six Calendar Months collate or license thereto a Spiritual Person who shall have actually served within such Diocese, as Incumbent or Curate, for Five Years at the least; and if no such Collation or Licence shall be granted within such Time, the Right of Presentation or Nomination to such Benefice for that Turn shall lapse to the Archbishop of the Province.

XLV. And be it enacted, That from henceforth the Right of appointing Minor Canons shall be in all Cases vested in the respective Chapters, and shall not be exercised by any other Person or Body whatsoever; and that so soon as conveniently may

Exercise of
Patronage of
Chapters.

4.5.56 39 v. 1

Minor Canons
to be appointed
by the Chapters,

4.5.56 39 v. 1

Their Number
and Salary.

may be, and by the Authority herein-after provided, Regulations shall be made for fixing the Number and Emoluments of such Minor Canons in each Cathedral and Collegiate Church; provided that there shall not in any Case be more than Six nor less than Two; and that the Stipend of each such Minor Canon hereafter to be appointed shall not be less than One hundred and fifty Pounds *per Annum*; and that Arrangements may from Time to Time be made by the like Authority for securing to any Minor Canon not otherwise competently provided for such annual Sum as shall make up to him an Income as Minor Canon, not exceeding in any Case the said Sum of One hundred and fifty Pounds.

Minor Canons
not to hold any
Benefice beyond
Six Miles.

XLVI. And be it enacted, That no Minor Canon hereafter to be appointed in any Cathedral or Collegiate Church shall be allowed to take and hold together with his Minor Canonry any Benefice beyond the Limit of Six Miles from such Church.

Chapters, or
Visitors in their
Default, to pro-
pose Alterations
in their Statutes.

XLVII. And be it enacted, That the Chapters of the several Cathedral and Collegiate Churches shall from Time to Time, of their own Accord, or upon being required by the Visitors of the said Churches respectively, propose to such Visitors such Alterations in the existing Statutes and Rules as shall provide for the Disposal of the Benefices in their Patronage, so as to meet the just Claims of the Minor Canons of such Churches, and as shall make them consistent with the Constitution and Duties of the Chapters respectively as altered under the Authority of this Act; and all such Alterations, if approved, may be confirmed by the Authority of such Visitor; and that in any Case in which such Alterations shall not be approved, or in which such Requisition shall not be complied with within Twelve Calendar Months after the making thereof, the Visitor shall be at liberty of himself to make the necessary Alterations; and all such Statutes and Rules when so altered shall be submitted to the Ecclesiastical Commissioners for *England*, and may be confirmed by the Authority herein-after provided; and that as to any Alteration made by a Visitor alone, the said Commissioners shall communicate a Draft thereof to the Chapter to be affected thereby, and shall, together with any Scheme to be prepared by them under the Authority herein-after contained, lay before Her Majesty in Council such Remarks as may within Three Months have been made thereon by such Chapter; and that out of the Proceeds of the suspended Canonries in any Chapter Provision may from Time to Time be made, by the Authority herein-after provided, for relieving the present Canons of such Chapter from the Performance of any additional Duty by reason of such Suspension, by the Employment of Substitutes, to be approved by the respective Bishops: Provided always, that nothing herein contained shall be construed to affect any existing Right of Chapters with their Visitors to make Statutes.

Suppression of
Sinecure Rec-
tories.

XLVIII. And be it enacted, That all Ecclesiastical Rectories without Cure of Souls in the sole Patronage of Her Majesty,

or

or of any Ecclesiastical Corporation, Aggregate or Sole, where there shall be a Vicar endowed or a Perpetual Curate, shall, as to all such Rectories as may be vacant at the passing of this Act immediately upon its so passing, and as to all others immediately upon the Vacancies thereof respectively, be suppressed; and that as to any such Ecclesiastical Rectory without Cure of Souls, the Advowson whereof or any Right of Patronage wherein shall belong to any Person or Persons or Body Corporate other than as aforesaid, the Ecclesiastical Commissioners for *England* shall be authorized and empowered to purchase and accept Conveyance of such Advowson or Right of Patronage, as the Case may be, at and for such Price or Sum as may be agreed upon between them and the Owner or Owners of such Advowson or Right of Patronage, and may pay the Purchase Money and the Expences of and attendant upon such Purchase out of the common Fund herein-after mentioned; and that after the Completion of such Purchase of any such Rectory, and upon the first Avoidance thereof, the same shall be suppressed; and that upon the Suppression of any such Rectory as aforesaid all Ecclesiastical Patronage belonging to the Rector thereof as such Rector shall be absolutely transferred to and be vested in the original Patron or Patrons of such Rectory.

XLIX. And be it enacted, That all the Profits and Emoluments of each and every Canonry suspended by or under the Provisions of this Act, whether consisting of or arising from Rents, Fines, Compositions, Dividends, Stipends, or other Emoluments whatsoever, shall forthwith, as to every such Canonry vacant at the passing of this Act, and as to every other immediately upon and from the Vacancy thereof, and from Time to Time, be paid to the Ecclesiastical Commissioners for *England* for the Purposes of this Act in like Manner as the Holder of such Canonry, if he had remained in Possession, or the Successor thereto, if a Successor had been appointed, and had duly qualified himself by Residence and otherwise according to the Statutes and Usages of his Church to receive his full Portion of the Emoluments thereof, would have been entitled to receive the same; and that all the Estate and Interest, if any, which such Successor would have had in any Lands, Tithes, and other Hereditaments (except any Right of Patronage) annexed or belonging to or usually held and enjoyed with such Canonry, or whereof the Rents and Profits have been usually taken and enjoyed by the Holder of such Canonry, as such Holder separately and in addition to his Share (if any) of the Corporate Revenues of such Chapter, shall forthwith, as to all Vacancies subsisting at the passing of this Act, and as to all others immediately upon such Vacancies respectively, accrue to and be vested absolutely in the Ecclesiastical Commissioners for *England* and their Successors for the Purposes of this Act, without any Conveyance thereof or any Assurance in the Law other than the Provisions of this Act: Provided nevertheless, that the Profits and Emoluments arising from Corporate Revenues belonging to the Canonries suspended in the Chapters of the

Profits of suspended Canonries to be paid to and their Estates vested in the Commissioners.

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the Cathedral Churches of *Chester*, *Lichfield*, and *Ripon* respectively shall become, as the Vacancies occur, Part of the divisible Corporate Revenues of the said Chapters respectively: Provided also, that nothing herein contained shall be construed to affect the Right of any Chapter, according to the Statutes or Customs of such Chapter in force at the passing of this Act, to make due Provision out of the divisible Corporate Revenues for the Maintenance of the Fabric, the Support of the Grammar School, if any, and all other necessary and proper Expenditure.

Separate Estates of Deaneries and Canonries not suspended to vest in Commissioners.

4 & 5 Vic 39 & 40, 6

L. And be it enacted, That, subject to the Provisions herein contained, all the Estate and Interest which the Holder of any Deanery or Canonry not suspended by or under the Provisions of this Act, and his Successors, have and would have in any Lands, Tithes, and other Hereditaments or Endowments whatsoever annexed or belonging to or usually held, or enjoyed with such Deanery or Canonry (except any Right of Patronage), or whereof the Rents and Profits had been usually taken and enjoyed by the Holder of such Deanery or Canonry as such Holder separately and in addition to his Share of the Corporate Revenues of such Chapter, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested absolutely in the Ecclesiastical Commissioners for *England*, and their Successors, for the Purposes of this Act.

Estates of Non-residentary Prebends, &c. vested in Commissioners.

4 & 5 Vic 39 & 40, 6, 7

LI. And be it enacted, That all Lands, Tithes, and other Hereditaments, excepting any Right of Patronage, and all other the Emoluments and Endowments whatsoever belonging to the Deaneries of *Wolverhampton*, *Middleham*, *Heytesbury*, and *Brecon*, and to the Dignity or Office of Sub-Dean, Chancellor of the Church, Vice Chancellor, Treasurer, Provost, Precentor, or Succentor, and to any Prebend not residentary in any Cathedral or Collegiate Church in *England*, or in the Cathedral Churches of *Saint David's* and *Llandaff*, or in the Collegiate Church of *Brecon*, or enjoyed by the Holder of any such Deanery, Dignity, Office, or Prebend as such Holder, shall, as to all such of the said Deaneries, Dignities, Offices, and Prebends respectively as may be vacant at the passing of this Act immediately upon its so passing, and as to all others immediately upon the Vacancies thereof respectively, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested absolutely in the Ecclesiastical Commissioners for *England* and their Successors for the Purposes of this Act: Provided always, that all other Rights and Privileges whatsoever now by Law belonging to any of such Dignities, Offices, or Prebends, except the said last-named Deaneries, shall continue to belong thereto, except so far as any of such Rights or Privileges may be controlled or affected by any of the Provisions of this Act respecting the Right of Election now exercised by any Chapter: Provided always, that nothing herein contained shall in any Manner apply to or affect any Dignity, Office, or Prebend which is permanently annexed to any Bishoprick, Archdeaconry, Professorship, or Lectureship, or to any School or the

the Mastership thereof, or the Prebends of *Burgham, Bursalis, Escrit, and Wyndham*, in the Cathedral Church of *Chichester*.

LII. Provided nevertheless, and be it enacted, That so much and such Parts of the Lands, Tithes, or other Hereditaments annexed or belonging to or usually held and enjoyed with the respective Deaneries or any of the Dignities or Canonries of the Cathedral Churches of *York, Chichester, Exeter, Hereford, Lichfield, Salisbury, and Wells* respectively, or belonging to the Prebends not residentiary in such Churches, as may be deemed proper, shall, by the Authority herein-after provided, be from Time to Time, upon the Vacancies of the said respective Deaneries, Dignities, Prebends, or Offices, transferred to and vested in the Chapters of the said last-mentioned Churches respectively, so as to augment the divisible Corporate Revenues of such Chapters, or be applied by the like Authority to make such Provision for the Deans of the said Cathedral Churches respectively as by the like Authority shall be deemed just and proper.

Proviso respecting the separate Estates.

405 Kc 39 47, 20

LIII. Provided also, and be it enacted, That in any Cathedral Church on the old Foundation in which any Contribution to the Fabric Fund of such Church has heretofore, either usually or occasionally, been made out of the Rents, Profits, or Proceeds of any Lands, Tithes, or other Hereditaments so vested or to be vested in the Ecclesiastical Commissioners for *England*, it shall be lawful for the said Commissioners to contribute to such Fund such Sum as they shall deem necessary, out of the Rents, Profits, or Proceeds of the same Lands, Tithes, or other Hereditaments, not exceeding in Amount the Proportion of such Rents, Profits, or Proceeds which has usually been applied to like Purposes.

Commissioners may contribute, in certain Cases, to Fabric Fund.

405 Kc 39 47

LIV. And be it enacted, That upon the Suppression of any Ecclesiastical Rectory without Cure of Souls all the Estate and Interest which the Rector thereof, or his Successor, has or had, or would have or have had, as such Rector, in any Lands, Tithes, or other Hereditaments or Endowments whatsoever, shall, without any Conveyance thereof, or any Assurance in the Law other than the Provisions of this Act, accrue to and be vested in the Ecclesiastical Commissioners for *England* and their Successors for the Purposes of this Act.

Endowments of suppressed sinecure Rectories vested in Commissioners.

405 Kc 39 44

LV. And be it enacted, That if in any Case it shall appear to be expedient, on account of the Extent or Population or other peculiar Circumstances of the Parish or District in which any such Rectory without Cure of Souls shall be situate, or from the incompetent Endowment of the Vicarage or Vicarages, or Perpetual Curacy or Curacies, dependent on such Rectory, to annex the Whole or any Part of the Lands, Tithes, or other Hereditaments or Endowments belonging to such Rectory to such Vicarage or Vicarages, Curacy or Curacies, such Annexation may be made, and any such Vicarage or Curacy may be constituted a Rectory with Cure of Souls by the Authority herein-after provided; and that wherever any Rectory heretofore deemed a Rectory without Cure of Souls has been held together with the Vicarage dependent thereon for the Period of

As to certain sinecure Rectories.

Twenty Years last past, the same shall not be construed to be a Rectory without Cure of Souls within the Meaning of this Act, but such last-mentioned Rectory and Vicarage shall continue and be permanently united, and shall be a Rectory with Cure of Souls; subject nevertheless to all the Provisions of the thirdly-recited Act, and to the Provisions of this Act which relate to the Division of Benefices or the Apportionment of the Incomes thereof.

Estates of newly
endowed Arch-
deaconries
vested in Com-
missioners.

LVI. And be it enacted, That upon the Endowment of any Archdeaconry by either of the Modes of Endowment herein provided, and with the Consent of the Bishop of the Diocese and of any Archdeacon in Possession at the Time of the passing of this Act, all Lands, Tithes, and other Hereditaments (except any Right of Patronage) belonging to such Archdeaconry at the Time of such Endowment may, by the Authority herein-after provided, be vested in the Ecclesiastical Commissioners for *England*, and their Successors, for the Purposes of this Act; and any Benefice annexed to such Archdeaconry may be, by the like Authority, disannexed therefrom, and the Patronage of such Benefice shall thenceforth revert to the Patron to whom it belonged before such Annexation, subject to any Transfer of Patronage provided by this Act.

Commissioners
to have all legal
Powers of en-
forcing Pay-
ments, &c.

LVII. And be it enacted, That the Ecclesiastical Commissioners for *England* shall, for the Purpose of enforcing Payment of all Profits and Emoluments to be paid to them, and of obtaining Possession of all Lands, Tithes, or other Hereditaments vested in or accruing to them as aforesaid, and of recovering the Rents and Profits thereof, have and enjoy all Rights, Powers, and Remedies, at Law and in Equity, which belonged or belong, or would belong or have belonged, to the Holder of the Deanery, Canonry, Prebend, Dignity, or Office, or the Rector of the Rectory, in respect of which such Profits and Emoluments, Lands, Tithes, and other Hereditaments and Endowments respectively, are by or under the Provisions of this Act to be paid or to accrue to and be vested in the said Commissioners.

Appropriation
of Residence
Houses not
wanted.

LVIII. And be it enacted, That, so soon as conveniently may be, Measures shall be taken by the Deans and Chapters of the several Cathedral and Collegiate Churches for the Disposal of such Residence Houses now under their Control, and Houses attached to any Dignity, Office, or Prebend in the Precincts of the respective Cathedral and Collegiate Churches as may no longer be required, in such Way as they shall deem fit, according to Plans be from Time to Time prepared by the respective Chapters, and, when approved by the Visitors, be submitted to the Ecclesiastical Commissioners for *England*, and may be confirmed by the Authority herein-after provided.

1 & 2 Vict. c. 25.,
relating to Re-
sidence Houses,
to apply to
Deans and
Canons.

LIX. And be it enacted, That it shall be lawful for the said Commissioners to authorize any Dean or Canon of any Cathedral Church to raise Monies on his Deanery or Canonry, for the Purpose of building, enlarging, or otherwise improving the Residence House thereof, on such Terms and Conditions

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extended
(50/6.2) c 26d.5

as the said Commissioners, with the Concurrence of the Bishop and the Chapter, shall approve; and all the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Law for providing fit Houses for the Beneficed Clergy*, shall be applied, *mutatis mutandis*, to all such Cases in which any Dean or Canon shall be authorized as aforesaid to raise Monies on his Deanery or Canonry for the Purpose aforesaid.

LX. And be it enacted, That an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices with Cure of Souls, and for preventing the Lapse thereof during the pending Inquiries respecting the State of the Established Church in England and Wales*; and also another Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to sinecure Rectories*; and also so much of another Act passed in the last Session of Parliament, intituled *An Act to suspend until the First Day of August One thousand eight hundred and forty certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts*, as relates to the Two last-recited Acts of the Reign of His late Majesty, be and the same are hereby repealed, except only as to the Dioceses or Cathedral Churches of *Saint Asaph* and *Bangor*, and as to all Matters and Things done under the Authority of the said Three last-recited Acts, or either of them, all which Matters and Things shall remain in full Force and Effect as if the said Acts were 'not repealed; and the said Acts, so far as they relate to the said Two last-mentioned Dioceses and Churches, shall be continued and remain in force until the First Day of *August* in the Year One thousand eight hundred and forty-one, and, if Parliament shall be then sitting, until the End of the then Session of Parliament; but, notwithstanding any thing in the said Acts contained, it shall be lawful for the Bishop of *Bangor* for the Time being to collate to any vacant Canonry, Prebend, Dignity, or Office not having any Estate or Endowment belonging thereto; and that within One Calendar Month after the passing of this Act the Treasurer of the Governors of the Bounty of *Queen Anne* shall deliver to the said Ecclesiastical Commissioners for *England* a full and particular Account of all Monies received and paid by him under and by virtue of the said Acts or any of them, and of all Things done by him, and of all Proceedings then pending in respect thereof, except so far as concerns the said Two last-mentioned Dioceses and Churches; and that within such Time after the Delivery of such Account as shall be specified in any Order made upon him for that Purpose by the said Commissioners, he shall pay and deliver, or cause to be paid and delivered, to the said Commissioners, or into such Bank as shall be named in such Order, to their Account, for the Purposes of this Act, all Monies then remaining in his

Repeal of
5 & 6 W. 4. c. 30.,
6 & 7 W. 4. c. 67.,
and 2 & 3 Vict.
c. 55.

Treasurer of
Queen Anne's
Bounty to
account.

Hands or to his Account, and all Exchequer Bills and other Securities for Money, and all Books of Accounts, Papers, and Writings in his Possession or Power in respect thereof, except as last herein excepted; and that it shall be lawful for the said Commissioners to allow to the said Treasurer in his Accounts such Sum of Money as shall appear to them to be just and reasonable in compensation for his Pains and Trouble, and also all proper Costs, Charges, and Expences incurred in the Execution of the Trusts reposed in him by the said Acts; and that the Receipt in Writing of the said Commissioners, under their Common Seal, shall be an effectual Discharge to the said Treasurer for all Monies and other Things therein expressed to be received by them; and this Act shall not in any other Manner than herein or in the first-recited Act expressly provided extend or apply to either of the said Two last-mentioned Dioceses and Cathedral Churches or the Chapters of such Churches.

Prebends of
Chulmleigh.

LXI. And be it enacted, That the Rectory and Five Prebends of the Church of the Parish of *Chulmleigh* in the County of *Devon* shall immediately become and be permanently annexed and united, and form One entire Rectory and Benefice (subject and without Prejudice to any existing Lease or Leases of the Prebendal Houses, Glebes, and Tithes, or any of them); and that the Reverend *George Hole*, the present Incumbent of the said Rectory and Prebends, and also all future Incumbents of the said Rectory, shall henceforth hold the same Rectory, with all and every the Emoluments, Rights, and Privileges of the said several Prebends attached thereto, as One Benefice to all Intents and Purposes; and that the Rector for the Time being of the said Parish of *Chulmleigh* may grant such and the same or the like Leases of the Houses, Lands, and Tithes of the same Prebends respectively as have been heretofore granted, save and except that no such Lease shall henceforth be granted of the House in which the present Rector resides or of the Gardens attached thereto; but such House and Gardens (subject to any such existing Lease as aforesaid) shall henceforth be deemed and used as the Residence of the Rector for the Time being of the said Parish, and shall be repaired accordingly.

Provision for
St. David's
College at
Lampeter.

LXII. And be it enacted, That, if it be deemed fit, any Part of the Lands, Tithes, or other Hereditaments, or of the Rents and Profits thereof, which shall be vested in or accrue to the Ecclesiastical Commissioners for *England* from or in respect of the Cathedral Church of *Saint David* or the Collegiate Church of *Brecon*, may by the Authority herein-after provided be transferred to the College of *Saint David's* at *Lampeter*, in Exchange for Benefices with Cure of Souls which are now connected with the said College; and the said College is hereby empowered upon the Completion of any such Arrangement to convey any such Benefices to such Person or Body Corporate, and in such Manner, as shall by the like Authority be directed.

LXIII. And

LXIII. And be it enacted, That out of the Endowments belonging to the suspended Prebends in the Cathedral Church of *Lichfield*, after setting apart so much of the Rents and Profits of the Prebend of *Sawley* as hath been heretofore applied as an Addition to the Fabric Fund of the said Cathedral Church, such Provision as shall be deemed fit shall by the like Authority be made for the Rector of the Church of *Saint Philip* and for the Perpetual Curate of *Christ's Church in Birmingham* for the Time being respectively; and that out of the Endowments, of whatsoever Kind, belonging to the Collegiate Churches of *Wolverhampton*, *Heytesbury*, and *Middleham* better Provision shall be made by the like Authority for the Cure of Souls in the Districts or Places with which the said Churches are respectively connected.

How Proceeds of Prebends in Cathedral Church of Lichfield, and Endowments of Wolverhampton, Heytesbury, and Middleham, to be applied.

405 6c 39 19

LXIV. And be it enacted, That so much of the Property belonging to the Collegiate Church of *Wimborne Minster* in the County of *Dorset* as shall upon due Inquiry be found legally applicable thereto, shall by the like Authority be applied to the Purpose of making a better Provision for the Cure of Souls in the Parish of *Wimborne Minster* in the said County.

Endowments of Wimborne Minster to be applied to Care of the Parish.

LXV. And be it enacted, That so soon as conveniently may be the Ecclesiastical Commissioners for *England* shall inquire, and report to Her Majesty in Council, respecting the State of all such Hospitals as were returned as Promotions Spiritual in the Reign of King *Henry the Eighth*; and in those Cases in which it may appear, upon such Inquiry, that the Endowments of such Hospitals are capable, after satisfying the Objects of the Founder's Bounty, of affording a better Provision for the Cure of Souls in the Parishes with which they are connected, the said Commissioners may in their Report make such Suggestions as they may deem advisable for effecting such Provision.

Inquiry into Hospitals which were Promotions Spiritual in the Reign of King Henry the Eighth.

LXVI. And be it enacted, That so soon as conveniently may be, and by the Authority herein-after provided, and subject to the Provisions herein contained respecting the University of *Durham* and the Canonries in the Collegiate Church of *Westminster* annexed to the Rectories of *Saint Margaret* and *Saint John*, such fixed annual Sums shall be determined on to be paid and shall accordingly be paid to the Ecclesiastical Commissioners for *England*, by the Deans and Canons of the Cathedral Churches of *Durham* and *Saint Paul* in *London*, and the Collegiate Churches of *Westminster* and *Manchester*, as, after due Inquiry, and a Calculation of the present average annual Revenues of the Chapters of such Churches respectively, shall leave to the Dean of *Durham* an average annual Income of Three thousand Pounds, and to the Deans of *Saint Paul's Westminster* and *Manchester* respectively an average annual Income of Two thousand Pounds, and to the Canons of the said Four last-mentioned Churches respectively the average annual Income of One thousand Pounds; and such other annual Sums shall be determined on to be paid, and shall be accordingly paid, by the said Commissioners, or such Deductions shall be allowed to

Augmentation of certain smaller Dignities from surplus Revenues of certain larger Dignities.

405 6c 39 20

be made out of the Proceeds of any suspended Canonry or Canonries, as, after like Inquiry and Calculation, shall give to the Dean of every Cathedral and Collegiate Church in *England* an average annual Income of One thousand Pounds, and to the Deans of *Saint David's* and *Llandaff* respectively an average annual Income of Seven hundred Pounds, and to the respective Canons of every Cathedral Church in *England* an average annual Income of Five hundred Pounds, and to the Canons of the said Churches of *Saint David* and *Llandaff* an average annual Income of Three hundred and fifty Pounds, and as shall also enable the respective Chapters of *Chester* and *Ripon* to provide for the efficient Performance of all the Duties of the said Churches and the Maintenance of the Fabrics thereof.

Mode of applying the Revenues at the Disposal of the Commissioners.

LXVII. And be it enacted, That, except as herein otherwise specified, all the Monies and Revenues to be paid to the Ecclesiastical Commissioners for *England*, and all the Rents and Profits of the Lands, Tithes, and other Hereditaments vested and to be vested in them the said Commissioners by and under the Authority of this Act, together with all Accumulations of Interest produced by and arising therefrom, shall be from Time to Time carried over by the said Commissioners to a common Fund, and by Payments or Investments made out of such Fund, or if in any Case it be deemed more expedient, by means of an actual Conveyance and Assignment of such Lands, Tithes, or other Hereditaments, or of a Portion thereof, additional Provision shall be made, by the Authority herein-after provided, for the Cure of Souls in Parishes where such Assistance is most required, in such Manner as shall, by the like Authority, be deemed most conducive to the Efficiency of the Established Church: Provided always, that in making any such additional Provision out of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes, so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes now arise or have heretofore arisen.

LXVIII. And be it enacted, That, by the Authority herein-after provided, and for the Purpose of fully carrying into effect any of the Provisions of this Act or of the said first-recited Act, any Sum of Money which shall have been invested in the Public Funds, or in other Security or Securities, in Trust for any Ecclesiastical Body Corporate, Aggregate or Sole, may, upon an Application in Writing to the Ecclesiastical Commissioners for *England*, under the Hand and Seal of such Body Corporate, and in the Case of any Chapter, with the Consent of the Visitor thereof, be directed to be sold, and the same shall be sold accordingly; and the Produce of such Sale shall be applied to such Purpose and in such Manner as shall appear most conducive to the permanent Benefit of such Body Corporate; and also, for any like Purpose, and by the like Authority, any Arrangement may from Time to Time be made with

4.15.63 Special Arrangements, with Consent of Bishop or Chapter.

extended
5.1.2/2 1860

with the Consent in Writing under the Corporate Seal of any Bishop or Chapter, for the Sale, Transfer, or Exchange of any Lands, Tithes, or other Hereditaments belonging to the See of such Bishop, or to such Chapter, or for the Purchase of other Lands, Tithes, or other Hereditaments in lieu thereof, or for substituting in any Case any Lands, Tithes, or other Hereditaments for any Money Payment.

LXIX. And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, such Arrangements may be made with respect to Benefices which are annexed by Act of Parliament or otherwise to the Headships of Colleges in the Universities of *Oxford* and *Cambridge* as may enable the respective Colleges, if they shall think fit, to sell, or themselves to purchase, the Advowsons of such Benefices, and to invest the Proceeds in proper Securities, with Provisions for the Payment of the Interest and annual Profits thereof to the respective Heads of the Colleges for the Time being; and that upon the Completion of the said Arrangements respectively the existing Incumbents of such Benefices respectively shall be at liberty, upon resigning the same, to receive the Interest and annual Profits of the Proceeds arising from such Sales respectively.

Benefices annexed to Headships of Colleges may be sold.

LXX. And be it enacted, That so soon as conveniently may be, and by the like Authority, Arrangements may be made to enable the University of *Cambridge*, if they shall so think fit, to sell the Advowsons of the Benefices annexed to the Regius Professorship of Divinity in the said University or any of them, and to invest the Proceeds of any such Sale in proper Securities, with a Provision for the Payment of the Interest and annual Profits thereof to the Regius Professor of Divinity for the Time being; and that upon the Completion of the Sale of any such Advowson the existing Incumbent of the Benefice shall be at liberty, upon resigning the same, to receive such Interest and annual Profits.

Benefice annexed to the Professorship of Divinity in *Cambridge* may be sold.

LXXI. And be it enacted, That with respect to any Benefice with Cure of Souls which is held together with or in the Patronage of the Holder of any Prebend or other Sinecure Preferment belonging to any College in either of the Universities, or to any private Patron, Arrangements may be made by the like Authority, and with the Consents of the respective Patrons, for permanently uniting such Preferment with such Benefice; provided that this Act shall not apply to or affect any Prebend or other Sinecure Preferment in the Patronage of any College or of any Lay Patron in any other Manner than as is herein expressly enacted.

Sinecure Preferments may be annexed to Benefices with Cure of Souls, with Consent of Patrons.

4056c 39 & 24

LXXII. And be it enacted, That with respect to any Parish in which both the Profits and the Spiritual Charge are divided between Two or more Incumbents, each having a Mediety or Portion of the Benefice, a Plan or Plans may be framed by the Bishop of the Diocese, with the Consent of the Patron or Patrons, and so as not to prejudice the Interests of any existing Incumbent, for constituting any of such Portions separate Bene-

Benefices may be divided or consolidated, with Consent of Patrons.

4056c 39 & 24

fices, or for consolidating Two or more of such Portions into One Benefice to be held by One Incumbent, or for making such other Arrangements as he may judge likely to promote the efficient Discharge of Pastoral Duties in such Parishes; and any such Plan may be carried into effect by the Authority herein-after provided: Provided always, that nothing herein contained shall restrain the Bishop from doing any Act or exercising any Power which he may now lawfully do or exercise without the Consent of the Patron or without the Aid of the said Commissioners.

Provisions for
securing the
better Perform-
ance of Spiritual
Duties in ill-
endowed Pa-
rishes.

45 Vic 39 & 22/24

LXXIII. And be it enacted, with an especial View to the better Care of populous Parishes, That Arrangements may from Time to Time be made by the like Authority, for improving the Value or making a better Provision for the Spiritual Duties of ill-endowed Parishes or Districts, by means of such Exchange of Advowsons, or of such other Alterations in the Exercise of Patronage, as may be agreed upon by Patrons, with the Consent of the Bishop in every such Case, or in the Case of Benefices lying in more than one Diocese, then with the Consent of the Bishop of each Diocese, and, where a Bishop is himself one of the Patrons, with the Consent of the Archbishop.

Income of
Benefices be-
longing to One
Patron may be
apportioned in
certain Cases.

45 Vic 39 & 24

LXXIV. And be it enacted, That Arrangements may be made by the like Authority for the Apportionment of the Income of Two Benefices belonging to the same Patron between the Incumbents or Ministers of such Benefices, or the Churches or Chapels connected therewith; provided that no such Arrangement shall be made with respect to Benefices in Lay Patronage without the Consents of the respective Patrons, nor in any Case so as to prejudice the Interests of any existing Incumbent, nor without the Consent of the Bishop of the Diocese, nor, in the Case of Benefices lying in more than One Diocese, without the Consent of the Bishop of each Diocese, nor where a Bishop is himself One of the Patrons, without the Consent of the Archbishop also.

Saving of exist-
ing Interests.

45 Vic 39 & 25

LXXV. Provided always, and be it enacted, That nothing in this Act contained respecting the Division of Corporate Property, the Diminution of the Income of any Deanery or Canonry, the Severance of separate Property, or the Limitation of the Exercise of Patronage possessed in right of separate Property, shall affect any Dean, Canon, Prebendary, Dignitary, or Officer in Possession at the passing of this Act, except as herein-before expressly enacted; but every Dean, Canon, Prebendary, Dignitary, and Officer hereafter appointed shall be subject to such Regulations as shall be made in pursuance of this Act; and that the Provisions herein contained respecting the Qualification of Persons to be presented to any Benefice in the Patronage of any Chapter, or the Apportionment of the Income of any such Benefice, shall not affect such Chapter so long as any Person who shall be a Member thereof at the passing of this Act shall continue such Member; and that with respect to Benefices in the Patronage of either of the Chapters of *Saint Paul in London* and of *Lincoln* the Fourth or Junior Canon for the

the Time being shall not have any Voice in the Exercise of such Patronage so long as any One of the present Members of such Chapter shall continue to be a Member thereof.

LXXXVI. And be it declared and enacted, That nothing in this Act or in the said first-recited Act contained shall be construed to prejudice or affect any of the Provisions of an Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled 'An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies,' and for other Purposes,* or of the Act therein recited: Provided nevertheless, that after the passing of this Act no Augmentation made under such Provisions, by any Bishop or by any Chapter whose Revenues are affected by this Act or the said first-recited Act, shall be valid and effectual without the Consent of the Ecclesiastical Commissioners for *England*.

Declaration as
to 1 & 2 W. 4.
c. 45.

445 VC 39 + 20

LXXXVII. And be it enacted, That the Ecclesiastical Commissioners for *England* shall forthwith, and from Time to Time as they shall think necessary, cause to be amended the Valuation of the Revenues of the Bishopricks, Cathedrals, Collegiate Churches, Ecclesiastical Corporations, Aggregate and Sole, and Benefices in *England* and *Wales*, which was made and estimated according to the Returns made to the Commissioners appointed to inquire into the Revenues and Patronage of the Established Church in *England* and *Wales*, and specified in the Report made by the said last-mentioned Commissioners bearing Date the Sixteenth Day of *June* in the Year One thousand eight hundred and thirty-five; and when any such amended Valuation shall be completed, and shall have been approved by Her Majesty in Council, the same shall be printed by Her Majesty's Printer, and when so printed shall be taken and held to be Evidence of the Value of every Dignity, Office, or Benefice therein mentioned, for all the Purposes of this Act and of the said first-recited Act.

Valuation of
Ecclesiastical
Revenues to be
amended.

LXXXVIII. And be it enacted, That, in addition to the Commissioners named in and appointed or to be appointed by or under the Provisions of the first-recited Act, the following Persons shall be Ecclesiastical Commissioners and Members of the Corporation of the Ecclesiastical Commissioners for *England*, for all the Purposes of the said first-recited Act and of this Act; that is to say, all the Bishops of *England* and *Wales* for the Time being respectively, the Lord Chief Justice of *England*, the Master of the Rolls, the Lord Chief Justice of Her Majesty's Court of Common Pleas, the Lord Chief Baron of Her Majesty's Court of Exchequer, the Judge of the Prerogative Court of the Archbishop of *Canterbury*, the Judge of the High Court of Admiralty for the Time being respectively (such Chief Justices, Master of the Rolls, Chief Baron, and Judges being respectively Members of the United Church of *England* and *Ireland*), the Deans of the Cathedral Churches of *Canterbury* and *Saint Paul* in

Appointment
of additional
Commissioners.

in *London*, and of the Collegiate Church of *Saint Peter Westminster* for the Time being respectively; and also Four such Lay Persons (being Members of the said United Church) as shall be duly appointed by Her Majesty, and whom Her Majesty is hereby authorized to appoint, under Her Royal Sign Manual, to be such Commissioners; and such other Two Lay Persons (being Members of the said United Church) as shall be duly appointed by the Lord Archbishop of *Canterbury* for the Time being, and whom the said Archbishop is hereby authorized to appoint, under his Hand and Archiepiscopal Seal, to be such Commissioners.

How Vacancies
to be filled up.

LXXIX. And be it enacted, That when any Vacancy shall occur among such Six last-mentioned Commissioners, by Death, Resignation, or otherwise, it shall be lawful for Her Majesty, or for the said Archbishop, as the Case may be, to fill up such Vacancy by the Appointment of some other Lay Person (being a Member of the said United Church) to be a Commissioner; and the Person so appointed shall thereupon become and be an Ecclesiastical Commissioner, and a Member of the Corporation of the Ecclesiastical Commissioners for *England*, for all the Purposes of the said first-recited Act and of this Act.

New Commis-
sioners to sub-
scribe Declara-
tion.

LXXX. And be it enacted, That every Lay Commissioner appointed by or under the Provisions of this Act shall, before acting as such Commissioner, subscribe the Declaration required of the other Lay Commissioners by the said first-recited Act.

Commissioners
not to be re-
moveable.

LXXXI. And be it enacted, That so much of the first-recited Act as relates to the Removal by Her Majesty of any Commissioner shall be and the same is hereby repealed; and every Commissioner appointed or to be appointed by Name by or under the Provisions of the said first-recited Act or of this Act shall hold his Appointment as an Ecclesiastical Commissioner, and shall be a Member of the Corporation of the Ecclesiastical Commissioners for *England*, so long as he shall well demean himself in the Execution of his Duties as such Commissioner.

Notice of Meet-
ings.

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LXXXII. And be it enacted, That the Provisions of the first-recited Act, whereby it is required that due Notice of every Meeting shall be given to every Commissioner, shall not be construed to apply to any Commissioner who at the Time of giving Notice of any Meeting shall not be within *England* or *Wales*, nor to any Commissioner who shall have intimated to the Secretary that for any specified Time (such Time including the Period of holding any Meeting) he the said Commissioner will not be able to attend the Meetings of the Commissioners: Provided always, that no Act, Matter, or Thing affecting any Commissioner, being a Bishop or Dean, or the See or Diocese or Cathedral or Collegiate Church of such Commissioner, shall be done at any Meeting whereof due Notice shall not have been given to such Commissioner, without his Consent in Writing previously obtained.

LXXXIII. And

LXXXIII. And be it enacted, That the Ecclesiastical Commissioners for *England* shall from Time to Time prepare and lay before Her Majesty in Council such Schemes as shall appear to the said Commissioners to be required and to be best adapted for carrying this Act into full Effect, and shall in such Schemes recommend and propose all such Measures as may upon further Inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for that Purpose: Provided always, that, previously to laying any such Scheme before Her Majesty in Council, Notice thereof shall be given to any Corporation Aggregate or Sole affected thereby; and the Objections, if any, of such Corporation shall be laid before Her Majesty in Council, together with such Scheme: Provided also, that nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such Scheme such Modifications or Variations as to Matters of Detail and Regulation as shall not be substantially repugnant to any Provision of this Act or of the said last-mentioned Act.

Ecclesiastical Commissioners to lay Schemes before Queen in Council, for carrying into effect the said Recommendations.

LXXXIV. And be it enacted, That when any such Scheme shall be approved by Her Majesty in Council it shall be lawful for Her Majesty in Council to make an Order or Orders ratifying the same, and specifying the Time or Times when such Scheme or the several Parts thereof shall take effect, and to direct every such Order to be registered by the Registrar of each of the Dioceses whereof the Bishop, or within which any Cathedral or Collegiate Church, Dignitary, Chapter, Member of a Chapter, Officer, Incumbent, or any other Person or Body Corporate, may or shall be in any respect affected thereby.

Queen in Council may make Order for carrying Schemes into effect.

LXXXV. And be it enacted, That in any Order made by Her Majesty in Council under the Authority of this Act or of the first-recited Act it shall be sufficient to refer to the Act under the Authority whereof the Order is made, and it shall not be necessary to recite any of the Provisions of this Act or of the said first-recited Act.

Orders need only refer to Act.

LXXXVI. And be it enacted, That every such Order shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*; and so soon as any Order in Council made under the Authority of this Act or of the first-recited Act shall be so gazetted it shall in all respects, and as to all things therein contained, have and be of the same Force and Effect as if all and every Part thereof were included in this Act.

Orders gazetted to be of full Effect.

LXXXVII. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before each House of Parliament in the Month of *January* in every Year, if Parliament shall be then sitting, or if Parliament be not then sitting, within One Week after the next Meeting thereof.

Copies of Orders to be laid before Parliament.

LXXXVIII. And be it enacted, That the Registrar of every Diocese to whom any Order of Her Majesty in Council made by virtue of this Act shall be delivered shall forthwith register the

Penalty for Neglect of Registration.

the same in the Registry of his Diocese; and if any such Registrar shall refuse or neglect to register any such Order he shall for every Day during which he shall so offend forfeit Twenty Pounds, and if his Offence shall continue for the Space of Three Months he shall forfeit his Office, and it shall be lawful for the Bishop of the Diocese to appoint a Successor thereto.

Fee to Registrar.

LXXXIX. And be it enacted, That for such Registration as aforesaid the Registrar shall not be entitled to receive any Fee or Reward, but on every Search for any such Order he shall be entitled to receive a Fee of Three Shillings, and for every Copy or Extract of any such Order certified by him he shall be entitled to receive Four-pence for every Folio of Ninety Words; and the Copy of every such Entry, certified by the Registrar, shall be admissible as Evidence in all Courts and Places whatsoever.

Provisions of 6 & 7 W. 4. c. 77. extended to this Act.

XC. And be it enacted, That all the Powers and Authorities vested in the Ecclesiastical Commissioners for *England* by the first-recited Act with reference to the Matters therein contained shall be continued, and extended and apply to the said Commissioners, and to the Commissioners appointed by or under the Provisions of this Act, with reference to all Matters contained in this Act, and may be used and exercised by them as fully and effectually as if the said Powers and Authorities were repeated in this Act; and the said first-recited Act and this Act shall be construed as if they were one and the same Act.

Office of Treasurer and Secretary.

XCI. And be it enacted, That, notwithstanding any thing in the first-recited Act contained, the Offices of Treasurer and Secretary to the said Commissioners shall be united and shall be one Office, and shall be held and the Duties thereof performed by the same Person; and *Charles Knight Murray* Esquire, Barrister at Law, shall continue to be Treasurer and Secretary, and may hold the said Office so long as he shall well demean himself therein; and upon any Vacancy of the said Office by Death, Resignation, or otherwise, the Ecclesiastical Commissioners for *England* shall appoint a Successor thereto, by an Instrument in Writing under their Common Seal.

Ecclesiastical Jurisdictions continued.

XCII. And be it enacted, That the temporary Provisions of the said first-recited Act shall continue and be in force until the First Day of *August* One thousand eight hundred and forty-one, and if Parliament shall be then sitting until the End of the then Session of Parliament: Provided always, that, notwithstanding any thing in the said first-recited Act or in this Act contained, any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitations of Bishops and Archdeacons in the Places assigned to their respective Jurisdiction and Authority, under or by virtue of the Provisions of the said first-recited Act; and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

XCIH. And be it enacted, That in the Construction of this Act the Term "Canon" shall be construed to mean only every Residentiary Member of Chapter, except the Dean, heretofore styled either Prebendary Canon, Canon Residentiary, or Residentiary; and the Term "Minor Canon" shall be construed to extend to and include every Vicar, Vicar Choral, Priest Vicar, and Senior Vicar, being a Member of the Choir in any Cathedral or Collegiate Church.

Construction of the Terms "Canon" and "Minor Canon."

45 to 39 & 15

XCIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHEDULE to which this Act refers.

Cathedral or Collegiate Church.	Number of Canons.	Cathedral or Collegiate Church.	Number of Canons.
CANTERBURY - - -	6	MANCHESTER - - -	4
DURHAM - - -	6	NORWICH - - -	4
ELY - - -	6	ST. PAUL'S, LONDON - -	4
WESTMINSTER - -	6	PETERBOROUGH - -	4
WINCHESTER - - -	5	RIPON - - -	4
EXETER - - -	5	ROCHESTER - - -	4
BRISTOL - - -	4	SALISBURY - - -	4
CARLISLE - - -	4	WELLS - - -	4
CHESTER - - -	4	WINDSOR - - -	4
CHICHESTER - - -	4	WORCESTER - - -	4
GLOUCESTER - - -	4	YORK - - -	4
HEREFORD - - -	4	SAINT DAVID'S - -	2
LICHFIELD - - -	4	LLANDAFF - - -	2
LINCOLN - - -	4		



INDEX

TO THE

PUBLIC GENERAL STATUTES,

3 & 4 VICTORIA.

Shewing whether they relate to the Whole or to any Part of the United Kingdom; viz.

<i>E. signifies that the Act relates to</i>	England (and Wales; if the Subject extends so far.)
S. - - - - -	Scotland.
I. - - - - -	Ireland.
E. & I. - - - - -	England and Ireland.
G.B. - - - - -	Great Britain.
G.B. & I. - - - - -	Great Britain and Ireland.
U.K. - - - - -	The Whole of the United Kingdom.

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for the further Amendment of the	105.	I.
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LINEN MANUFACTURE, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in, and for the better Payment of their Wages, for One Year, and thence to the End of the then next Session of Parliament	91.	I.

	Cap.	Relating to
LOAN SOCIETIES, to amend the Laws relating to	110.	E.
LONDON, to enable Her Majesty's Commissioners of Woods, Forests, Land Revenues, Works, and Buildings to make additional Thoroughfares in	87.	E.
LONDON AND HOLYHEAD ROADS ACTS, to amend, so far as relates to the Dunstable Road	104.	E.

M.

MAN (ISLE OF), to extend the Powers of the Commissioners appointed for the Execution of 11 Geo. III. c. 52. and 54 Geo. III. c. 143., for supporting the several Harbours and Sea Ports in	63.	U.K.
MANCHESTER, for the more equal Assessment of Police Rates in	30.	E.
MARINE FORCES (ROYAL), annual Act for the Regulation of, while on shore	8.	U.K.
MARRIAGES, to provide for the Solemnization of, in the Districts in or near which the Parties reside	72.	E.
———— to enable Courts of Justice to admit Non-paro- chial Registers as Evidence of	92.	E.
MARSHAL of the High Court of Admiralty, to make Pro- vision for	66.	U.K.
MASTER IN CHANCERY, for making Provision as to the Office of, in certain Cases	34.	E.
MAYORS OF PARLIAMENTARY BOROUGHs, to repeal so much of 9 Ann. c. 20. as prevents the Re-election of	47.	E.
MEMBERS OF PARLIAMENT for Cities, Towns, and Boroughs, to define the Notice of Elections of	81.	E.
MERCHANT VESSELS, for extending to the British Colonies in the West Indies the Act 5 & 6 Gul. IV. c. 53. for regulating the Carriage of Passengers in	21.	U.K.
MESNE PROCESS in Civil Actions in England, for further amending 1 & 2 Vict. c. 110. for abolishing Arrest on	82.	E.
———— in Civil Actions in Ireland, for abolishing Arrest on, except in certain Cases	105.	I.
METROPOLIS, Commissioners of Woods, Forests, and Land Revenues enabled to make additional Thoroughfares in	87.	E.
METROPOLITAN POLICE DISTRICT, for better defining the Powers of Justices within the	84.	E.
MILITIA, annual Act for the Pay, Clothing, &c. of	70.	U.K.
———— to suspend until the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for	71.	U.K.
MUNICIPAL CORPORATIONS, for the Regulation of	108.	I.
MUTINY ACT, annual	6.	U.K.
MUTINY AND DESERTION in the East Indies, consolidating and amending the Laws for punishing	37.	U.K.

N.

NAVIGABLE RIVERS, to provide for keeping the Peace on	-	Cap. 50.	Relating to E.
NAVY (INDIAN), to consolidate and amend the Laws for providing for the Observance of Discipline in	-	37.	U.K.
NEW SOUTH WALES, to continue until 31st December 1841, and to the End of the then next Session of Parliament, and to extend, the Provisions of 9 Geo. IV. c. 83. to provide for the Administration of Justice in, and for the more effectual Government thereof	-	62.	U.K.
NEWGATE, GAOL OF. See DUBLIN.	-		

O.

OFFICES AND EMPLOYMENTS, annual Indemnity Act for Persons neglecting to qualify for	-	16.	U.K.
OPEN FIELDS, to extend the Powers and Provisions of the several Acts for the Inclosure of	-	31.	E.
OWNERS OF SETTLED ESTATES enabled to defray the Expenses of draining the same by way of Mortgage	-	55.	E. & I.
OYSTER FISHERIES in Scotland, for the better Protection of	-	74.	S.

P.

PARISH; to remove Doubts as to the Competency of Persons being rated Inhabitants of any Parish to give Evidence in certain Cases	-	26.	E.
PARLIAMENTARY BOROUGHs. See BOROUGHs (Parliamentary).			
PARLIAMENTARY PAPERS, to give summary Protection to Persons employed in the Publication of	-	9.	U.K.
PASSENGERS IN MERCHANT VESSELS, for extending 5 & 6 Gul. IV. c. 53. for regulating the Carriage of, to the British Colonies in the West Indies	-	21.	U.K.
PILOTS; to enable Her Majesty in Council to authorize Ships and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom, to be piloted, in certain Cases, without having a licensed Pilot on board, and also to regulate the Mode in which Pilot Boats shall be painted and distinguished	-	68.	U.K.
PODDLE (RIVER), in the County and City of Dublin, to amend the Acts relating to	-	58.	I.
POLICE DISTRICT (METROPOLITAN), for better defining the Powers of Justices within the	-	84.	E.
———— (DUBLIN), to amend 2 & 3 Vict. c. 78. for making further Provisions relating to the	-	103.	I.
POLICE RATES in Manchester, Birmingham, and Bolton, for the more equal Assessment of, and to make better Provision for the Police in Birmingham, for One Year	-	30.	E.

	Cap. Relating to
POOR, to authorize the Issue of Exchequer Bills for the Employment of the - - - - -	10. G.B.&I.
——— to exempt, until 31st December 1841, Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such in respect of Stock in Trade or other Property, to the Relief of the - - - - -	89. E.
POOR CLERGY, to amend 1 Geo. I. c. 10. for Augmentation of the Maintenance of, and to render valid certain Agreements made in pursuance of the said Act - - - - -	20. E.
POOR LAW COMMISSION, to continue, until 31st December 1841 - - - - -	42. E.
POOR PERSONS born in Scotland and Ireland, and chargeable to Parishes in England, to continue, to 1st August 1843, 3 & 4 Gul. IV. c. 40. and 7 Gul. IV. & 1 Vict. c. 10. relating to the Removal of - - - - -	27. G.B.&I.
POPULATION, for taking an Account of, in Great Britain - - - - -	99. G.B.
——— for taking an Account of, in Ireland - - - - -	100. I.
POSTAGE, for the Regulation of the Duties of - - - - -	96. U.K.
PRISONERS (INSANE), for making further Provision for the Confinement and Maintenance of - - - - -	54. E.
PRISONS, to amend 2 & 3 Vict. c. 56. for the better ordering of - - - - -	25. E.
——— to amend 7 Geo. IV. c. 74. for consolidating and amending the Laws relating to - - - - -	44. I.
PROMISSORY NOTES, to continue, until 1st January 1843, 2 & 3 Vict. c. 37. for amending and extending the Provisions of 7 Gul. IV. & 1 Vict. c. 80. for exempting certain, from the Operation of the Laws relating to Usury - - - - -	83. E.
PROTESTANT EPISCOPAL CHURCH in Scotland and in the United States of America, to make certain Provisions and Regulations in respect to the Exercise of their Office by the Bishops and Clergy of, within England and Ireland - - - - -	33. G.B.&I.
PUBLIC SERVICE, to regulate the Repayment of Sums advanced by the Governor and Company of the Bank of Ireland for the - - - - -	75. I.
PUBLIC WORKS, to authorize the Issue of Exchequer Bills for	10. G.B.&I.

Q.

THE QUEEN; for enabling Her Majesty to grant an Annuity to His Serene Highness Prince Albert of Saxe Coburg and Gotha - - - - -	8. U.K.
——— to provide for the Administration of the Government in case the Crown should descend to any Issue of Her Majesty whilst such Issue shall be under the Age of Eighteen Years, and for the Care and Guardianship of such Issue - - - - -	52. U.K.
QUEEN ANNE'S BOUNTY, amending 1 Geo. I. c. 10. relating to	20. E.

R.

RAILWAYS, for regulating	-	-	-	Cap. Relating to
RATED INHABITANTS of any Parish, to remove Doubts as to the Competency of, to give Evidence in certain Cases	-	-	-	97. G.B. & I.
REGISTERS (NON-PAROCHIAL), for enabling Courts of Justice to admit, as Evidence of Births or Baptisms, Deaths or Burials, and Marriages	-	-	-	26. E.
REGISTRAR of the High Court of Admiralty, making Provision for	-	-	-	92. E.
REMOVAL of poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, continuing Acts relating to the	-	-	-	66. U.K.
RENT-CHARGES, to amend 1 & 2 Vict. c. 109. for abolishing Compositions for Tithes, and to substitute Rent-charges in lieu thereof	-	-	-	27. G.B. & I.
RETURNING OFFICERS OF PARLIAMENTARY BOROUGHs, to repeal so much of 9 Ann. c. 30. as prevents the Re-election of	-	-	-	13. I.
REVENUE, Application and Appropriation of	-	-	-	47. E.
ROSCOMMON (COUNTY OF), to empower the Lord Lieutenant of Ireland to annex certain Townlands to	-	-	-	4. U.K.
	-	-	-	7. U.K.
	-	-	-	112. U.K.
	-	-	-	76. I.

S.

SCHOOLS, to enable the Proprietors of Entailed Estates in Scotland to feu or lease on long Leases Portions of the same for the building of, and for Dwelling Houses and Gardens for the Masters thereof	-	-	-	48. S.
SEATON (RIGHT HON. JOHN LORD), to settle an Annuity on, and on the Two next Heirs to whom the Title shall descend	-	-	-	11. U.K.
SETTLED ESTATES, to enable the Owners of, to defray the Expence of draining by way of Mortgage	-	-	-	55. E. & I.
SEWERS employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures, for the more effectual Prevention of Frauds and Abuses committed by, and for the better Payment of their Wages, for One Year, and thence to the End of the then next Session of Parliament	-	-	-	91. I.
SHIPS and Vessels belonging to Countries having Treaties of Reciprocity with the United Kingdom, to enable Her Majesty in Council to authorize, to be piloted, in certain Cases, without having a licensed Pilot on board	-	-	-	68. U.K.

See also TIMBER SHIPS.

	Cap. Relating to
SHREWSBURY, to transfer to the Commissioners of Her Majesty's Woods and Works and other Commissioners the several Powers now vested in the Commissioners for repairing the Line of Road from, to Bangor Ferry	104. E.
SILK MANUFACTURE, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in, and for the better Payment of their Wages, for One Year, and thence to the End of the then next Session of Parliament	91. I.
SLAVE TRADE; to continue 1 & 2 Vict. c. 102. until Eight Months after the Commencement of the next Session of Parliament, for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the	64. U.K.
——— for carrying into effect the Treaty between Her Majesty and the Republic of Venezuela for the Suppression of the	76. U.K.
SOAP DUTIES. See EXCISE DUTIES.	
SOLICITORS, annual Act for the Relief of Clerks to, in certain Cases	16. U.K.
——— to amend the Law relating to the Admission of, to practise in the Courts of Law and Equity in Ireland	79. I.
SOUTH WALES. See NEW SOUTH WALES.	
STOCK IN TRADE, Inhabitants of Parishes, Townships, and Villages exempted from being rated in respect of, to the Relief of the Poor, until the 31st December 1841	89. E.
SUGAR imported, annual Duties on	23. U.K.
——— manufactured in the United Kingdom, to impose Duties of Excise on	57. U.K.
SUITS, frivolous and vexatious. See LAW.	
SUPPLIES, Application and Appropriation of	4. U.K. 7. U.K. 112. U.K.

T.

TAXES (ASSESSED), to continue Compositions for, until the 5th April 1842	38. E.
——— for granting to Her Majesty Duties of	17. U.K.
TEMPORALITIES OF THE CHURCH IN IRELAND, to amend several Acts relating to	101. I.
TIMBER, for granting to Her Majesty an additional Duty of Customs on	19. U.K.
TIMBER SHIPS, for preventing Ships, clearing out from a British North American Port, loading any Part of their Cargo of Timber upon Deck	36. U.K.
TITHES, to amend 1 & 2 Vict. c. 109. for abolishing Compositions for, and to substitute Rent-charges in lieu thereof	13. I.

	Cap. Relating to
TITHES, to explain and amend the Acts for the Com- mutation of, in England and Wales - - -	15. E.
TOBACCO, to discontinue the Excise Survey on, and to provide other Regulations in lieu thereof - - -	18. U.K.
TRADE of Ships built and trading within the Limits of the East India Company's Charter, to regulate - - -	56. U.K.
TURNPIKE ACTS (GENERAL), to amend and explain, so far as relates to the Toll payable on Carriages or Horses laden with Lime for the Improve- ment of Land - - -	51. E.
———— (LOCAL) for Great Britain, to continue, until 1st June 1842, or the End of the then next Session of Parliament, the Acts which ex- pire with this or the ensuing Session of Par- liament - - -	45. G.B.
———— ——— for Ireland, to continue the several Acts for regulating, for One Year, and thence- forth until the End of the then next Session of Parliament - - -	46. I.
TURNPIKE ROADS, to authorize Trustees or Commissioners of, to appoint Meetings for executing their Trusts in certain Cases - - -	39. E.
———— to authorize, for a limited Time, the Application of a Portion of the Highway Rates to, in certain Townships and Districts - - -	98. E.

U.

UNION MANUFACTURE. See SILK MANUFACTURE.

USURY, to continue, until 1st January 1843, 2 & 3 Vict. c. 37. for amending and extending the Provisions of 7 Gul. IV. & 1 Vict. c. 80. for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to - - -	83. E.
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V.

VACCINATION, to extend the Practice of - - -	29. E. & I.
VAN DIEMEN'S LAND, to continue until the 31st December 1841, and to the End of the then next Session of Parliament, and to extend, the Provisions of 9 Geo. IV. c. 83. to provide for the Administration of Justice in, and for the more effectual Government thereof - - -	62. U.K.
VENEZUELA, for carrying into effect the Treaty between Her Majesty and the Republic of, for the Suppression of the Slave Trade - - -	67. U.K.

W.

	Cap. Relating to
WATCH RATES, to explain and amend 2 & 3 Vict. c. 28. for more equally assessing and levying, in certain Boroughs - - - - -	28. E.
WEAVERS, for the more effectual Prevention of Frauds and Abuses committed by, in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures, and for the better Payment of their Wages, for One Year, and thence to the End of the then next Session of Parliament - - - - -	91. I.
WEST INDIES, extending 5 & 6 Gul. IV. c. 53. to the British Colonies in, for regulating the Carriage of Passengers in Merchant Vessels - - - - -	21. U.K.
— to amend 2 & 3 Gul. IV. c. 125. and 5 & 6 Gul. IV. c. 51. for the Relief of certain of Her Majesty's Colonies and Plantations in - - - - -	40. U.K.
WOODS, FORESTS, LAND REVENUES, &c., Commissioners of, enabled to make additional Thoroughfares in the Metropolis - - - - -	87. E.
— to transfer to them and other Commissioners the several Powers now vested in the Commissioners for repairing the Line of Road from Shrewsbury in the County of Salop to Bangor Ferry in the County of Carnarvon; and to amend the London and Holyhead Roads Acts, so far as relates to the Dunstable Road - - - - -	104. E.
WOOLLEN MANUFACTURE, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in, and for the better Payment of their Wages, for One Year, and thence to the End of the then next Session of Parliament - - - - -	91. I.
WORKS, PUBLIC. See PUBLIC WORKS.	



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